

Vol. 810
No. 193



Thursday
25 February 2021

PARLIAMENTARY DEBATES
(HANSARD)

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

Thursday 25 February 2021

The House met in a hybrid proceeding.

Noon

Prayers—read by the Lord Bishop of Newcastle.

Arrangement of Business

Announcement

12.07 pm

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

Lord Speaker's Statement

12.07 pm

The Lord Speaker (Lord Fowler): My Lords, as you perhaps know, my period as Lord Speaker is due to come to an end in September. For various reasons that I will come to in a moment, I have decided to leave office some months before that. My final day as Lord Speaker will be in late April.

The first reason is purely to do with the future organisation of the House. A range of important changes have been decided by the House of Lords Commission, which I chair. They include the appointment of a new chief operating officer, who will work closely with the next Clerk of the Parliaments, Simon Burton, whose appointment was announced last week. He will take the place of Ed Ollard, who has served the House so well since 2017. Other new appointments and changes, including a new Clerk Assistant, will be announced over the coming weeks.

It is a radical programme of reform and I think it is important that it should be seen through by the team who will be implementing it over the coming years. It is sensible that the new Lord Speaker should have the opportunity of helping to build the structure as we go forward.

That is one of the reasons for my decision to stand down early, but it is not the only one. I have been in Parliament for over half a century, as some here will remember, but it has never been as a truly independent Member of either the Commons or the Lords. The nearest has been the last four and a half years as Lord Speaker, but it suffers from one grave disadvantage. I have independence but, entirely properly, I am not able to speak my mind on the issues of the day.

Let me perhaps put it this way: I am only 83, and unless I am careful, I will not have time to start my next career. The career I wish to start is that of an entirely independent Back-Bencher, able to speak out on political issues that concern me, such as the size of the House, and to have the freedom to campaign, particularly in the area of HIV and AIDS.

Well-intended people knock down the statues of those who have organised terrible trades in the past, but with the best will in the world, we are self-evidently too late to influence history. I suggest that what we should be asking is: what will people in 40 or 50 years' time see as our failures of today? Is it not likely that they will say that our failure to eliminate killer diseases when the means of successfully combating them existed is a blot on our generation? I think of TB, malaria, and most of all, I think about AIDS.

Around the world, we have lost 35 million men, women and children since the onset of the HIV/AIDS pandemic—35 million—while, in addition to that, there are examples beyond count of the persecution of LGBT people worldwide. Even now, in 2021, there are some 70 nations where homosexuality is illegal and where there are obvious barriers against people coming forward for treatment. I want to spend the next years campaigning against these modern evils and trying to support the many individuals and organisations in the field who are working to turn the tide.

So, my Lords, I give the notice that is necessary to elect a new Lord Speaker. This is not the time for thanks, tributes or sighs of relief—I emphasise that. That time will come. At this point, I would just like to say that it has been the greatest privilege to have been Lord Speaker, and Lord Speaker of a great House. Of course, there are things which can be improved, but I will say only that in 50 years I have never worked with a better group of colleagues than we have here—or, if I may add, such an exceptional staff. Thank you very much for that.

Noble Lords: Hear, hear!

The Lord Speaker (Lord Fowler): Let us get on with the business. Oral Questions will now commence. Please can those asking supplementary questions keep them short, confined to two points. I ask that Ministers' answers are also brief.

Covid-19: May Elections

Question

12.12 pm

Asked by Lord Tyler

To ask Her Majesty's Government what arrangements they (1) have, and (2) plan to, put in place to ensure that all eligible electors who are prevented from voting in person by (a) medical advice relating to, and (b) the restrictions in place to address, the COVID-19 pandemic are able to participate in the elections due to take place on 6 May.

Lord Tyler (LD) [V]: My Lords, I cannot resist a quick personal tribute to the Lord Speaker. I beg leave to ask the Question standing in my name on the Order Paper.

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, likewise: it was only 40 years ago that the Lord Speaker and I first worked together and I should like to express my sadness at the notice, and

[LORD TRUE]

my appreciation of all that he has done for party, country and, indeed, the world, and we look forward to his independent career.

I can use a little bit of the time available because I can give the noble Lord, Lord Tyler, a positive Answer that we are changing proxy rules to enable those who need to self-isolate to request an emergency proxy vote at short notice, right up to 5 pm on polling day. This week we have laid a statutory instrument to make this change.

Lord Tyler (LD) [V]: My Lords, I am grateful to the Minister for his response. We all appreciate that the Government have been able to take advantage of expert advice since I tabled this Question and have published some good guidance and some very useful changes, especially addressing the problems faced by shielding and self-isolating electors in arranging proxy votes, a matter to which I drew attention. In the meantime, can he clear up the mystery of the scientific or health advice on which the Cabinet Office unilaterally declared that a leaflet delivered by a volunteer was a serious Covid health hazard but that one delivered by a commercial company was not?

Lord True (Con): My Lords, guidance has been issued on aspects of election campaigning and further guidance will be issued. Campaigning is an essential part of democracy. The current national lockdown restrictions in England say that one must not leave or be outside one's home unnecessarily, and those restrictions do not support door-to-door campaigning or leafleting. However, I take advice from the noble Lord's question and, as I have said, there will be further guidance on top of the guidance that has already been issued.

Baroness Pitkeathley (Lab) [V]: My Lords, frail elderly people, people with disabilities and their carers have traditionally relied on transport services provided by the voluntary sector to access polling stations. Since many of those services are now in short supply, or even non-existent because of a shortage of money, volunteers or Covid restrictions, how does the Minister suggest that this should be addressed so that those less able citizens are not denied their democratic right to participate?

Lord True (Con): My Lords, like most people in this House, I have driven electors to polls and I anticipate a future when I myself might be driven. I can assure the noble Baroness that the arrangements that we are putting in place for emergency proxies right up to 5 pm on the day should ensure that anyone who is self-isolating or has tested positive for Covid-19 can still have their say in the elections without having to leave their residence. That will be the Government's policy and is the assurance that I give the House.

Lord Wigley (PC) [V]: My Lords, will the Minister clarify who is responsible for this round of elections in Wales? As he knows, the running of the Senedd elections is devolved, while the election of police commissioners in Wales has not yet been devolved, although the Silk commission set up by the Cameron Government

recommended that the police service should be devolved in Wales, as in Scotland. Will he clarify whether the police commissioner elections could go ahead in Wales while not doing so in England, if Senedd elections go ahead as planned, or will we face unnecessary duplication of the cost of holding two separate rounds of elections in Wales?

Lord True (Con): My Lords, I sincerely hope not. The noble Lord, in a sense, answered the first part of his question. The position is obviously that Senedd elections are the responsibility of the Welsh Government and police commissioner elections of the UK Government. We are working closely with the Welsh Government on planning for polls. The UK Government have confirmed that local, mayoral and police commissioner elections scheduled for 6 May will go ahead in England and Wales. A decision to postpone the Senedd elections would be for the Welsh Government but our understanding is that they have no plans to do so at this time. So I hope that all can go together.

Lord Hayward (Con): Lord Speaker, on behalf of the noble Lord, Lord Collins, and myself, I say thank you very much.

Moving on to my supplementary question, first, I record my thanks and those of the noble Lord, Lord Rennard, and the noble Baroness, Lady Hayter, for the Government's willingness to change the procedure in relation to signatories for nomination forms, which has greatly benefited everybody in these circumstances. I also take this opportunity on behalf of everyone involved to welcome the extreme efforts that all members of electoral services organisations are making to deliver free and efficient elections in difficult circumstances.

Lord True (Con): My Lords, I strongly agree with my noble friend's final comments about electoral services officers. I am also grateful for the interventions he and others made. The Government are always willing to engage with noble Lords on these and other matters. There is a collective will across the House to make sure that elections can go ahead safely.

Lord Rennard (LD): My Lords, the easing of lockdown restrictions in general is obviously welcome in the run-up to the scheduled elections but does the Minister accept that if, for any reason, the easing has to be halted or reversed, there may be a case for seeking all-party agreement for the postponement of the elections? In the meantime, in relation to the advice about what is appropriate for campaigning in those elections, does he accept that the only way in which to reassure people that the decision is based on scientific, health and medical advice, not simply the interests of his party, is to publish that advice?

Lord True (Con): My Lords, the Government have published a delivery plan. I am sorry that the noble Lord suggested that there was a party advantage here. Our hope is to assist all people of all parties and none to fight an election and record their democratic wishes. The Government believe that these elections can be delivered safely. We co-operate with, and will talk to,

other political parties, and I can assure the House that the medical officers have advised Ministers in drawing up the delivery plan.

Lord Young of Cookham (Con): My Lords, when we discussed this last month, my noble friend described my contribution as “novel” and “interesting”. This was the proposition that, when council tax bills are issued next month, included should be details of how to vote by post or by proxy in order to minimise voting at polling stations. What happened to this novel suggestion?

Lord True (Con): Well, I think I called it something like “ingenious”, although “novel” is a good word. It was a good suggestion. It has been passed on and I am aware that a number of local authorities have chosen various ways to promote postal voting to their electorate, for example through the canvass communications earlier this year. I hope that my noble friend’s suggestion and others will be considered positively; indeed, I always consider his suggestions positively.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I join the noble Lord, Lord Hayward, in paying tribute to hard-working electoral services staff across the United Kingdom. Can the Minister speak to his officials and satisfy himself that everything possible has been done to ensure that voters who are shielding or ill are fully aware of the options for postal and proxy votes—and emergency postal and proxy votes—so that no one will lose their ability to cast their vote in these important elections and, in the days after the poll, we avoid those embarrassing media stories where citizens who have always voted were denied the opportunity to do so purely because they did not realise what voting options were available to them at the time?

Lord True (Con): My Lords, I strongly agree with the noble Lord. We have given local authorities additional extra resources, and we will support and encourage them to do everything that the noble Lord so wisely suggests.

Baroness Thornhill (LD): I pay tribute to the way in which local government is swinging behind these elections and getting them done. I want to hone down on the count. ROs and election officers in Hertfordshire have written to the Cabinet Office and are very concerned about the count process, which, as we both know, can be intense and very long. Certainly there is a fine balance to be struck between safety and scrutiny; indeed, when I am a scrutineer, I am definitely closer to people than I am to, say, my noble friend. So how can we ensure that social distancing is maintained during the verification and counting of votes, and when will we get that guidance?

Lord True (Con): My Lords, I hope that it will very soon. Yes, I have felt sharp elbows at counts and hope that I have not used too many. Further guidance on this important matter will be given very shortly.

Lord Randall of Uxbridge (Con) [V]: My noble friend the Minister confirmed, I think, that attestation will not be required to access a proxy vote under the new

rules. My noble friend Lord Young of Cookham asked how information on proxy voting would be disseminated. Can he say again how this will be done?

Lord True (Con): My Lords, it will be done through every mechanism and through both national and local means. Obviously, as the noble Baroness who just spoke said, local authorities bear a major burden here. We have tried to simplify the system. We recognise not only that some people will not be able to provide proof of Covid symptoms but that doing so would place unnecessary pressure on the health service, so we will not ask for attestation. However, all other security measures will remain in place to ensure electoral integrity.

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

Fishing Sector and Coastal Communities *Question*

12.24 pm

Asked by Baroness Fox of Buckley

To ask Her Majesty’s Government what steps they are taking (1) to support coastal communities, and (2) to improve the capacity of the fishing sector, before 2026.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con) [V]: My Lords, the Government have committed to a fund of £100 million to invest in landing capacity, processing, distribution, science, technology and skills to advance the industry. In addition, there is £32.7 million in place of EU funding and £23 million for the seafood disruption support scheme and the seafood response fund. Furthermore, the UK shared prosperity fund will create opportunities for coastal communities.

Baroness Fox of Buckley (Non-Aff): I thank the Minister for that Answer. I am sure that he is as fed up as I am with those using fishing as an excuse to indulge in Brexit bashing. I am also sure that he will confirm that the fate and future of fishing is now in sovereign hands. However, that also means that the awful fishing deal is a sovereign sell-out, and now the Government need to own it. I am glad to hear about the millions of pounds being put into this area, but fishing communities see these as rather demeaning handouts. It is good to hear the Prime Minister calling on us to eat British fish, but can the Minister give us a bit more detail on the long-term thinking and imaginative initiatives that will transform and modernise the industry and turn coastal communities into world-class hubs of productive growth? I am thinking about top-class fishing apprentices, ambitious technical—

Noble Lords: Too long.

Baroness Fox of Buckley (Non-Aff): I am sorry. Okay. My first Question—forgive me. You get the idea.

Lord Gardiner of Kimble (Con) [V]: My Lords, a number of points were made there, but it is important to stress that the £100 million fund is about advancing infrastructure projects, rolling out science, innovation and technology, and—among many other things—encouraging new entrants into what we believe is, after all, a very healthy source of food that has a great future.

The Earl of Shrewsbury (Con): My Lords, my noble friend will be aware of an ongoing television documentary about sea fishing communities in Cornwall. I recommend it to him. It describes, among other matters, the considerable problems faced by small family fishing businesses in the aftermath of our withdrawal from the EU. One way in which they might survive is to process and sell direct to the public, but the equipment to enable them to do this—and do it professionally and efficiently—is very expensive. What plans do Her Majesty’s Government have to grant-aid such ventures, which might ensure the survival of these micro family businesses and thus shore up their communities?

Lord Gardiner of Kimble (Con) [V]: My Lords, my noble friend highlights an important documentary and the fact that fishing businesses are at the heart of many coastal communities. As I said, they supply a healthy source of food to the public. In England, we will open a new grant scheme in April to replace the EU-funded EMFF. This will support sustainable growth for the sector in England, including supporting businesses to recover from Covid and adapt to new trading conditions outside the EU. I recommend the documentary as well.

Viscount Hanworth (Lab): My Lords, foremost of the eight objectives declared in the Fisheries Act 2020 is the sustainability objective, which aims to ensure that fish stocks are maintained at levels that avoid the danger of their radical depletion. Can the Minister tell us how this objective is to be reconciled with the expansion in the capacity of the British fishing fleet? Moreover, can he explain why the Government resisted during the passage of the Fisheries Bill calls to declare sustainability an immediate and unequivocal objective, and why they preferred to describe it as only a “long-term” objective?

Lord Gardiner of Kimble (Con) [V]: My Lords, we had many deliberations on sustainability during the passage of the Fisheries Bill. It is absolutely at the heart of the legislation, which is why we believe that there is compatibility between sustainable fishing and modernising and rejuvenating our fishing sector with new technology, new nets, REM and all the things we want to do. This is an important source of food, but the harvest needs to be sustainable.

Baroness Bakewell of Hardington Mandeville (LD) [V]: My Lords, coastal and fishing communities are suffering extreme economic decline due to Covid. The Prime Minister’s exit road map will help tourist communities, but not as quickly as they would like. However, fisher men and women are in the depths of despair, as has already been said. They were promised prosperity but have received a slap in the face—especially

shell fisheries. The Minister has given various figures on support, but how will this affect individual fisheries, especially in Cornwall?

Lord Gardiner of Kimble (Con) [V]: My Lords, the recent announcements are UK-wide. We want all coastal communities across the United Kingdom to benefit from these schemes and funds. We think that there is a strong future for the communities. They will command a lot of public support in terms of fiscal support, as I have described, and I am far more confident than I think the noble Baroness is portraying. There are difficulties, and we need to overcome them and advance.

Baroness Hayman of Ullock (Lab) [V]: The noble Baroness, Lady Bakewell, just mentioned the shellfish industry and the devastating impact on it as a result of the ban on British shellfish in the EU. What progress is being made with the European Commission on lifting this ban? Also, the Minister mentioned the Seafood Disruption Support Scheme. The criteria for it are limited in scope and the scheme does not appear to match the ambition initially indicated by government Ministers. Can the Minister assure me that the scheme will be sufficient to support those businesses affected, some of which have had no income at all this year?

Lord Gardiner of Kimble (Con) [V]: My Lords, these are important points and we are seeking an urgent resolution to the matter of live bivalve molluscs from class B waters. We have an extremely strong legal case and we are awaiting a meeting with the commissioner. I should say that those businesses impacted by this disruption to trade can apply for support via the seafood response fund, which seeks to ensure that the shellfish sector is supported during this difficult period.

The Earl of Caithness (Con): My Lords, I congratulate my noble friend on expanding the seafood support scheme, but that scheme ran out on 31 January. Will it be extended into next month? May I also follow up on the point made by my noble friend Lord Shrewsbury in a slightly wider form? What are the Government doing to help fishermen sell more fish to the British people and get us to eat the fish that they produce rather than sending it overseas?

Lord Gardiner of Kimble (Con) [V]: My Lords, on 21 February we announced the seafood response fund, which will expand the support to help with the fixed costs of shellfish catch and aquaculture businesses. That fund is to open in early March, which I think covers the point made by my noble friend. I agree that we need to eat more fish and that we need to promote greater consumer awareness of the number of species in UK waters. Through Seafish and the Domestic Seafood Supply Scheme, we are looking to increase the domestic consumption of our excellent produce.

Lord Mackenzie of Framwellgate (Non-Aff) [V]: My Lords, many coastal communities in the UK rely on tourism and travel for their survival and are particularly hard hit by lockdowns and curbs on movement. Does the Minister share the hope that the quarantine restrictions

at entry points to the country will have the positive effect of encouraging British families to take a staycation this year, which would kick-start coastal economies and bring the jobs and growth so sorely needed?

Lord Gardiner of Kimble (Con) [V]: I agree with the noble Lord that there are many opportunities across our coastal and rural communities to welcome visitors this year, as soon as lockdown easements make it safe to do so. I will also say that everyone should enjoy themselves while ensuring that the coastal and rural communities are respected as well.

Baroness Whitaker (Lab) [V]: My Lords, the government response to the Select Committee on Regenerating Seaside Towns and Communities, of which I was a member, made welcome undertakings about town regeneration, which Newhaven, my nearest town, has welcomed. What is the Government's assessment of the impact and outcomes of their education proposals, such as the opportunity areas programme, along with the promotion of adult learning and basic skills in the use of technology—tied, I hope, to maritime and environmental contexts? These are essential to real regeneration.

Lord Gardiner of Kimble (Con) [V]: As I said, the £100 million scheme will involve working on the right skills for new entrants into the fishing sector. However, I should also say that, since 2012, £229 million has been invested in 369 projects via the coastal communities fund. Every £1 invested has secured up to an £8 boost to coastal economies. The investment we need to make in coastal and fishing communities will show the benefits that come from it.

The Lord Speaker (Lord Fowler): The time allowed for this Question has elapsed and we now come to the third Oral Question.

Build Back Better Business Council

Question

12.35 pm

Asked by **Lord McConnell of Glenscorrodale**

To ask Her Majesty's Government what plans the Build Back Better Business Council has to prioritise the implementation of the United Nations' Sustainable Development Goals.

Baroness Penn (Con): My Lords, the Build Back Better Business Council brings together a range of business leaders to work with the Government to fuel Covid-19 economic recovery and future growth plans. Agenda 2030 is extremely important and the Government are committed to supporting a clean, inclusive and resilient recovery. That is why the Prime Minister has committed to the 10-point plan for a green industrial revolution.

Lord McConnell of Glenscorrodale (Lab): My Lords, I welcome the establishment of the council and the emerging debate about the nature of any recovery. It is critical that the recovery leads us to a different place from where we were before the pandemic. Are the Government aware that the sustainable development

goals are universal? They apply as much to the left-behind areas of the UK as they do to the left-behind countries of the global south. Will the Government ensure that the voices of business at our recent all-party parliamentary group conference calling for government leadership to embrace the sustainable development goals as a ready-made framework for recovery will be heard in the deliberations of the council and the Treasury over the coming weeks?

Baroness Penn (Con): My Lords, the Government recognise absolutely that the SDGs are a domestic as well as an international commitment. The noble Lord will know that, as part of our voluntary national review commitments, we will review the governance of our domestic SDGs and how that is structured. While that work has been slowed down slightly by the pandemic, it also provides a new context in which we can look at it again and take it forwards.

Lord Walney (Non-Aff): My Lords, sustainable goals 8 through to 11 cover decent work, industry, reducing inequalities and sustainable communities. Will the Minister ensure that the Government consider revoking the membership of Dame Emma Walmsley from the Prime Minister's Build Back Better Council, given that GSK is directly damaging the UK in each of these vital areas by abandoning its long-held pharmaceutical manufacturing base in Ulverston in Cumbria?

Baroness Penn (Con): While I have sympathy for the noble Lord's reasons for raising his question, the Government do not intend to change the membership of the business council. It is to run for 12 months and we welcome the contributions of all its members.

Lord Herbert of South Downs (Con): My Lords, sustainable development goal 3.3 states that the epidemics of AIDS, tuberculosis and malaria will end by 2030, which is in just 10 years. On the current trajectory, however, the tuberculosis epidemic will not be beaten for another 100 years and millions of lives will be lost as a consequence; in fact, 1.5 million lives are lost to the TB epidemic every year. What will the Government do to show global leadership, particularly in the context of the G7, so that other existing pandemics will be beaten, as well as the Covid pandemic?

Baroness Penn (Con): My Lords, the noble Lord has highlighted an important issue. Global health security is one of the Foreign Secretary's seven priorities for development and aid. Recovery from coronavirus and resilience against future pandemics is one of the UK's priorities for the G7. Covid has demonstrated the importance of this, but we must not lose sight of the impact of other major diseases, including TB. The UK will continue to step up its support for global efforts to tackle it.

Baroness Wheatcroft (CB) [V]: My Lords, charities have a huge role to play in ensuring that we build back better. Can the Minister say what steps the Government will take to ensure that charities are themselves run in a sustainable way?

Baroness Penn (Con): My Lords, important work is being done by the Department for Digital, Culture, Media and Sport and the Charity Commission to ensure that charity governance is well structured. We have also been providing financial support for charities during the past difficult year to help protect their sustainability.

Lord Judd (Lab) [V]: My Lords, does the Minister agree that, in light of the extreme damage from the pandemic on third-world countries, particularly the poorest communities, on reflection, this is exactly the wrong time to reduce our commitment to 0.7%? Does she also agree that a central pillar and basic principle of all that we do in aid and development is to focus on the poorest and most vulnerable? All other strategic considerations, however important, come second to that.

Baroness Penn (Con): My Lords, the pandemic has led to the Government having to take some difficult decisions, but I reassure the noble Lord that the UK Government still plan to spend £10 billion in overseas development assistance in 2021, based on current GNI forecasts. We remain one of the largest donors and spenders in the world.

Lord Oates (LD) [V]: I would like to ask the Minister specifically about the council's approach to SDG 13 on climate action. Will the council learn from the failure of the green homes grant scheme, which now looks like it will pay for about 50,000 home upgrades, rather than the 600,000 promised or the 24 million needed? Will it recognise that addressing climate change requires long-term investment, rather than stop-start short-term stimulus measures?

Baroness Penn (Con): The green recovery is integral to the Government's plans to build back better. Businesses' contribution to that will be essential. I am sure it will be a subject for future meetings of the business council. One of the purposes of the council is to get the perspective of businesses on the development and implementation of such policies.

Lord Lancaster of Kimbolton (Con): My Lords, I welcome the Government's recent announcement of £134 million to directly support sustainable development goal 8 to encourage green growth projects and develop sustainable technologies. I ask my noble friend if, as part of the global Britain agenda, the Government will finally support the UN Environment Programme to ensure that these noble aims can be delivered on the world stage.

Baroness Penn (Con): My Lords, it is essential that we support efforts to tackle climate change at home and abroad. The Government have committed £3 billion, over the next five years, to nature and nature-based solutions on climate change in developing countries, within an overall commitment of £11.6 billion on international climate finance.

Lord Collins of Highbury (Lab): Businesses will be crucial to the delivery of the SDGs. However, the role of civil society will be equally important. Considering the emphasis on safe and secure work under goal 8,

can the Minister tell us how the Government will engage with trade unions in the UK and globally, as part of the world's effort to deliver on the 2030 agenda?

Baroness Penn (Con): The noble Lord is right in the points that he makes. The Prime Minister and Chancellor's business council is in addition to regular and ongoing engagement with trade unions, businesses and business representative groups across government to ensure that they continue to play an important role to feed in to the Government about economic recovery, future growth and clean growth.

Lord Bird (CB): Is the Minister aware of the Ride Out Recession Alliance, which has been going since July, and has brought together very large businesses, such as Unilever and Nationwide, with trade unions, SMEs and social enterprises? It is driven by the SDGs and by the idea that we need jobs and training, and not to allow people to fall into Covid-19 poverty so that they end up homeless. I would like to know whether the Ride Out Recession Alliance could be incorporated into the wonderful Build Back Better Council.

Baroness Penn (Con): I am aware of the work of the alliance, thanks to the noble Lord bringing it to my attention in previous Questions. I have also highlighted it to a range of government departments, so that they can look at the work that it is doing and integrate it into their own.

Lord Holmes of Richmond (Con): My Lords, I declare my interests as set out in the register. Does my noble friend agree that, when it comes to build back better and the SDGs related to financial well-being, fintech has a key role to play? Further, does she agree that the Government will seriously consider the recommendations of the fintech strategic review being published tomorrow and the amendments to the Financial Services Bill that relate to promoting financial inclusion?

Baroness Penn (Con): I absolutely agree about the important role of fintech and I have enjoyed the debates on the Financial Services Bill in Committee so far, covering both financial inclusion and fintech. I have not seen the strategic review yet, as it is out tomorrow, but I am sure that it will do an excellent job and that the Government will consider its recommendations carefully.

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

Australia: News Media and Digital Platforms Mandatory Bargaining Code Question

12.46 pm

Asked by *The Lord Bishop of Oxford*

To ask Her Majesty's Government what assessment they have made of (1) the proposed legislation in Australia for a news media and digital platforms mandatory bargaining code, and (2) the case for similar such legislation in the United Kingdom.

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con): My Lords, the UK Government are committed to supporting the sustainability of trusted journalism. We have announced plans to introduce a new code of conduct to cover the relationship between dominant online platforms and the different groups of users that depend on them, including news publishers. We are engaging with the Australian Government to develop our understanding of the progress that they are making and are closely monitoring the reaction from both publishers and platforms.

The Lord Bishop of Oxford [V]: I thank the Minister for her Answer. Given the proportion of people who now receive most or all their news through social media, do the Government believe that public interest news publishers should have fair, reasonable and non-discriminatory access to strategically significant online platforms for news production and distribution? Given the actions of Facebook in recent days, how can that be secured for the future in the United Kingdom?

Baroness Barran (Con): The right reverend Prelate makes an important point. My right honourable friend the Secretary of State has been clear in his concerns about Australian news being removed by Facebook. The importance of authoritative news services has also been clear, particularly during the pandemic, with the huge part that they play. As I mentioned in my Answer, we are planning to create a digital markets unit, which will ensure fair competition both for publishers and more widely for other sectors. We remain committed to ensuring that everyone can access authoritative information easily and freely.

Lord Puttnam (Lab) [V]: Given the lack of transparency that typifies the working practices of social media companies, would the Minister confirm that the Government are working closely with their European neighbours and the new Biden Administration in developing a robust international legislative approach sufficient to bring these vast and seemingly unaccountable empires within the legal supervision of sovereign nations? If so, could she share with us the progress made to date?

Baroness Barran (Con): I am unable to share the detail of the progress made to date, but I can reassure the noble Lord that the Government are using every opportunity for international dialogue with both our European neighbours and others. This morning, my right honourable friend the Secretary of State met with his counterpart in Australia and he also recently met his counterpart in Canada. We are working in the most collaborative way possible.

Lord Clement-Jones (LD) [V]: My Lords, the Australian approach risks legislating in a way that will create its own unintended outcomes. Content and copyright for news publishers is just one part of the problem and can be solved. Market dominance in access to data and in digital advertising is a much bigger issue. We have had many reports urging legislation and action: Cairncross, Furman, the digital task force and now Penrose. Why are the Government dragging their heels in bringing forward legislation to tackle it effectively?

Baroness Barran (Con): The Government are not dragging their heels, but, as the noble Lord explained very eloquently, there are a lot of interlocking issues here that our new digital markets unit will seek to address.

Lord Vaizey of Didcot (Con) [V]: I congratulate the Lord Speaker on his declaration of independence and his remarkable ability to tweet from the Woolsack. I refer to my entries in the register of Members' interests. Three schemes in the UK currently support local journalism, run by the BBC, Facebook and Google. Would my noble friend the Minister consider creating a forum for publishers and platforms, including, for example, Microsoft, to meet on a regular basis to try to co-ordinate these different activities and give proper, sustained financial support to local newspapers?

Baroness Barran (Con): I am very happy to take my noble friend's suggestion back to colleagues in the department, but I know that we are in regular discussion with all the groups he mentioned.

Baroness Kidron (CB) [V]: I welcome the Australian Government's action in creating a mechanism to distribute the value of news media more fairly. I hope that, when we do similarly, we will be able to ensure that it benefits the entire news ecosystem, not only parts of it. Deeply worrying was the spectre of the Australian Government revising their domestic legislation as a result of a series of phone calls with Mark Zuckerberg. Of course we need to hear the views of all stakeholders but, given that Facebook is clearly using its monopoly power and is willing to resort to bullying tactics to revise the domestic legislation of a sovereign state, does the Minister agree that, during the period in which we are working democratically on a number of regulatory fronts, including the online safety Bill, competition law and malicious communication offences, all interaction between Facebook and the Government should be on the record in committee hearings and other public arenas so that it cannot undermine the transparent, democratic legislative process that we all pride ourselves on?

Baroness Barran (Con): The Government believe that social media companies must be held to account for the consistent and transparent enforcement of their terms and conditions for those using their sites. That includes online safety, to which the noble Baroness referred, but also protecting people's freedom of speech. We are establishing a regime through the online safety Bill and the digital markets unit that will do this transparently.

Lord Bassam of Brighton (Lab) [V]: My Lords, events in Australia highlight the right and importance of Governments acting to ensure that online platforms recognise the value of reliable news content. Would the Minister outline for the House the principles that will inform the Government's approach to regulatory legislation as set out in the upcoming online safety Bill, and spell out what measures are being considered to outlaw online disinformation campaigns—fake news—and how this will be balanced with the need to protect free speech exemptions for journalists and writers?

Baroness Barran (Con): I fear I might be growled at by colleagues in the House if I answer the noble Lord's question in full, so I will write to him with more detail on the online safety Bill. However, as he is aware, it will focus on user-generated content, platforms that allow user interaction, and search engines. More broadly on competition, the regime will lead to an enforceable code of conduct that will stimulate competition and innovation.

Lord McNally (LD) [V]: My Lords, the Minister has referred several times to the CMA's digital markets unit as one of the weapons that will be at our disposal, but the CMA has called for new statutory powers for that unit. Will she commit to those statutory powers being included in the online harms Bill, which has just been referred to, as new powers for the digital markets unit?

Baroness Barran (Con): The statutory powers for the digital markets unit specifically relate to the code of conduct and how it will apply to platforms that have strategic market status. If I have understood the noble Lord's questions correctly, those are separate from the online harms Bill, but those powers will be put on a statutory basis.

Lord Empey (UUP) [V]: My Lords, there is a widespread feeling in the community that these large companies are so powerful that an individual country such as our own will not be able to stand up to them. I refer back to the contribution from the noble Lord, Lord Puttnam, on international co-operation to deal with them. Is that a properly co-ordinated process? Can she also confirm, since most of these companies are American-owned, whether this issue has arisen in any trade discussions with the United States of America?

Baroness Barran (Con): The noble Lord is right that these are global companies and some international co-ordination will be required to have the maximum impact. We are very much working with partners, as I said in response to the noble Lord, Lord Puttnam. We are also aware that other countries around the globe and the major platforms are looking at the work we are doing. We are leading in our ambition in this field.

The Lord Speaker (Lord Fowler): My Lords, the time allowed for this Question has elapsed. That brings Question Time to an end.

Communications and Digital Committee

Membership Motion

12.56 pm

Moved by The Senior Deputy Speaker

That Lord Lipsey be appointed a member of the Select Committee, in place of Lord Giddens.

Motion agreed.

12.57 pm

Sitting suspended.

Arrangement of Business

Announcement

1 pm

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, the Hybrid Sitting of the House will now resume. I ask Members to respect social distancing.

Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2021

Motion to Approve

1.01 pm

Moved by Baroness Stedman-Scott

That the draft Order laid before the House on 12 January be approved.

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Baroness Stedman-Scott) (Con): My Lords, I am pleased to introduce this instrument, which, subject to approval, reflects the conclusions of this year's annual review of the automatic enrolment earnings thresholds required by the Pension Act 2008. The review considered the earnings trigger and the qualifying earnings band for the tax year 2021-22.

The earnings trigger determines the point at which a qualifying worker becomes eligible for automatic enrolment in a qualifying workplace pension. The qualifying earnings band determines the earnings upon which workers and employers pay contributions into a workplace pension. This order sets a new upper limit for the qualifying earnings band and is effective from 6 April 2021. The lower earnings limit is not changed within the order and remains at the level set in the automatic enrolment threshold review order of 2020-21, so no further provision is required. Similarly, the earnings trigger is not changed within this order and remains at the level set in the automatic enrolment threshold review order of 2014-15, so no further provision is required. I am satisfied that the Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2021 is compatible with the European Convention on Human Rights.

Automatic enrolment has been a hugely successful policy resulting in over 10 million workers being enrolled into workplace pension savings since 2012. Over 1.7 million employers have met their automatic enrolment duties. Automatic enrolment has become business as usual for employers and workers, and this success, supported by all sides of this House, is something that we all can celebrate. Automatic enrolment is re-establishing a culture of retirement saving and making workplace pension saving the norm for a new generation. However, that does not mean that it is mission accomplished. The Government recognise that there is still more to do as we continue to work towards our commitment of helping people to achieve greater financial security in retirement. We also understand that there is more to do for those who are not saving into a workplace

pension, which is why we look at the automatic enrolment thresholds annually, ensuring that the coverage remains right.

As noble Lords will be aware, the *Automatic Enrolment Review 2017: Maintaining the Momentum*, set out our ambition to remove the lower earnings limit and lower the age threshold in the mid-2020s. While I recognise that there has been a reasonable degree of interest in when these measures will be implemented, we also must consider how they will be implemented and find ways to make them affordable for all parties.

It is important to recognise that the success of automatic enrolment has been achieved through a considered and systematic approach to implementation over a period of years which recognises the need to understand and manage the impact on employers and individuals as well as taxpayers. That is why the 2017 review report was clear that implementation will be subject to learning from changes in the automatic enrolment minimum contribution rates, discussions with employers and others on the right approach, and on finding ways to make these changes affordable. As with other areas of public policy, it is important that we pay close attention to the impact and costs of making changes and consider the optimal approach on implementation. This has been further highlighted by the impact of the pandemic and our overall support for the economic recovery. We will continue to support long-term saving, balancing the needs of savers, employers and taxpayers.

Helping people save for their futures remains a key priority for the Government, and the automatic enrolment duties continue to apply to all employers with eligible workers. We continue to monitor the impacts of Covid-19 on savers, employers and the pension industry. As part of supporting the UK's economic recovery, our aim remains to help workers achieve greater financial resilience for the long term.

Turning specifically to this order, it determines key elements of the framework for the way in which automatic enrolment operates. It will continue to align the lower and upper limits of the qualifying earnings band with the national insurance lower and upper earnings limits for the 2021-22 tax year. The lower and upper limits are therefore £6,240 and £50,270 respectively. By continuing to align the qualifying earnings band limits to the national insurance thresholds, the changes relating to payroll systems are kept to a minimum.

The purpose of this framework is to balance the need to encourage individuals to take personal responsibility for pension saving with a sustainable compulsory minimum contribution level for all employers. Setting the thresholds at these levels will also ensure that contribution levels continue to be meaningful for savers. In doing so, we are mindful of the economic environment within which these changes are taking place. The order does not change the earnings trigger, which remains at £10,000 this year. The Government's objective in confirming this threshold is, on the one hand, to strike a balance between bringing in those for whom it makes economic sense to be saving into a pension, and, on the other, affordability for employers and workers. Again, we must be mindful of the broader economic context.

Individuals earning below the £10,000 earnings trigger but above the lower earnings threshold will still have the choice to opt in to a workplace pension and benefit from employer contributions, should they wish. Those earning below the lower earnings limit also have the option of being enrolled by their employers in a pension scheme. To conclude on this point, the decision to maintain the earnings trigger at £10,000 and maintain the alignment of the lower and upper limits of the qualifying earnings band with the national insurance lower and upper earnings limit for the 2021-22 tax year maintains simplicity and consistency, while minimising burdens on employers and continuing to increase the total pension savings this year by an estimated £14 million.

I commend this instrument to the House and beg to move.

1.08 pm

Lord McKenzie of Luton (Lab) [V]: My Lords, I thank the Minister for her clear introduction to this order. As we have heard, it deals with the statutory requirement placed on the Secretary of State to review the earnings trigger and the qualifying earnings band, which are key components of the automatic enrolment process. We note that the Secretary of State returned to the three principles established in the first two reviews, in particular a judgment on whether the right people will be brought into pension saving.

This has led to determinations that the trigger should remain at £10,000, the lower limit of the qualifying earnings band and the national insurance contribution lower band. As far as these are concerned, there is no change. Perhaps the Minister will say why it is not considered appropriate to take forward the 2017 review proposal of removing the lower limit. She referred to it in her introduction, but we would appreciate more detail. Is it still the policy to remove this band in due course? The documentation we have advised that the methodology for the review has changed and that a new internal model of the DWP is in use. Perhaps the Minister will expand on the consequences of this and what it means for this review. Can she say who it considers are the right people to be brought into pension saving?

The overall impact of the proposed thresholds next year, so far as participants are concerned, is calculated to be of the order of a further 8,000 brought into pension savings and, in terms of contributions, a total of £14 million. This seems a considerable loss of momentum in the arrangements for auto-enrolment. Marking time on the review has implications for the gender balance of these arrangements. We are told that 43% of participants in the baseline are women and that it would require a downward shift on the earnings trigger to improve that position. What strategy can the Minister offer to address this and the other inequalities the analysis sets out?

I heard what the Minister said about the implications of the pandemic and support for companies. It would be good to hear quite who is meant to pick up the cost of the various components of this in due course.

1.12 pm

Baroness Bowles of Berkhamsted (LD) [V]: My Lords, I thank the Minister for introducing this statutory instrument. The content is in many ways predictable

[BARONESS BOWLES OF BERKHAMSTED]
and, I fear, my comments may be too. Having established the precedent for the qualifying earnings band to align with national insurance contributions lower and upper earnings it is no surprise to see that alignment is retained, and I see the obvious benefit of the simplicity that creates in adjustments for PAYE. It is also no surprise that the automatic enrolment trigger remains at £10,000.

The effect of that over time, as pay and everything else rises, progressively brings more people into pension savings in real terms. Although it seems one reasonable way to do that, I am afeared for the reasons that were just outlined by the noble Lord, Lord McKenzie, with regard to how to get more women saving for pensions. Just relying on, if you like, the indexation effect to mean that £10,000 effectively becomes less does not give sufficient acceleration. I would be pleased to hear more about what might happen in the mid-2020s, because it seems that it will be difficult if it is done in a big jump. But if it is done in incremental stages, we might be here in the 2030s with many people still losing out.

It is a great pity that there is an enlarging gap between that £10,000 and the income tax threshold, and that more people are at risk of being put into the unsuitable and somewhat misnamed net pay enrolment scheme, where they are not getting tax relief. The Government are aware of that problem and the call for evidence on pensions tax relief administration closed on 13 October. Can the Minister enlighten us about whether there have been any conclusions on how to stop the lowest paid being diddled out of a significant chunk of their pension contribution and eventual pension because of the administrative choices of their employers? Are there going to be checks on employers when they choose their system, to see how many employees they might have who would fall into that trap, or are we even going to get a nice surprise in the Budget: that HMRC will make it right? It is not beyond its power to do so.

That probably concludes the things that I have to say, except for one thought. Is it possible to find more ways to encourage those who are near the £10,000 threshold and then fall below it—so that they get unenrolled, then re-enrolled when they go above it—just to stay in, given the benefits of doing so? That is a way in which we can make sure that more people stay in and get their pension. It is also a matter of some urgency to address the age limit at which we encourage people to start saving. I do not see much of a reason for delaying that.

I apologise for my ignorance here, but can the Minister enlighten me about what interaction there is between how benefit assessments are made and pension payments? Is there any account or effect there? I feel I ought to know, but I am afraid I do not.

1.17 pm

Baroness Altmann (Con): My Lords, I congratulate my noble friend on introducing this statutory instrument and on her clear explanation. I continue to welcome the success of auto-enrolment in making pension saving the norm across the British workplace. I also congratulate my Government and put on record the tremendous

achievement that they have brought forward during the pandemic to insist on maintaining, through furlough, the automatic enrolment pension contributions. I am sure there was a temptation to relax that provision but it is most welcome that the Government have recognised the importance of continuing auto-enrolment uninterrupted, albeit at the furlough level. Will my noble friend comment on whether any measures are planned or in place to widen education and guidance in the workplace to run alongside auto-enrolment, so that people are helped to understand their pensions while they are paying money in?

I also support the aim of good value pensions. Indeed, master trust consolidation is aimed at helping in that regard by achieving economies of scale. However, what can we do about data reconciliation and accuracy for past records and future contributions? Is there an appetite within government to make sure that not only are employers required to pay contributions, and that the regulator checks that they are paying them, but that there are proper, regular, mandatory requirements for checking that the amounts being paid on behalf of each worker are correct? At the moment, there are no such checks and we are well aware that even recent auto-enrolment records are not correct. I have concerns that, under GDPR, the data for auto-enrolment may not be being kept for more than four or six years. If my noble friend could write to me on that, that would be fine.

I recognise that the cost of this SI, at £14 million, in the context of overall pension contributions, which are in the region of £38 billion, is not significant. Indeed, the employer/private sector addition of £5 million is not onerous—but the people who benefit from this SI are the higher earners, whose upper threshold has gone from £50,000 to £50,270.

I support the aim of aligning the national insurance lower and upper limits with the automatic enrolment contribution records, making it easier to administer, but, as the noble Baroness, Lady Bowles, pointed out, there remains a major problem for the lowest earners, most of whom are women. More than 1 million are caught up in this problem of net pay schemes, which are, indeed, misleadingly named. They force these lowest earners to pay 25% extra for their pensions. They do not receive less pension, but they have to live on less than they should, and their take-home pay is lower than it should be as a direct consequence of the scheme that their employer chose. These workers are often unaware of this, as, often, are the employers. Can my noble friend let us know when the Pensions Regulator and the Government will act to stop this and when we might find a resolution, as already proposed to the Treasury by the action group that I am a part of? That would at least remedy the injustice faced by these lower earners.

1.21 pm

Baroness Drake (Lab) [V]: My Lords, I refer to my pension scheme interests as listed in the register.

I, too, thank the Minister for her presentation. Auto-enrolment has been stress tested during this pandemic and in large part has stood up well, reinforced by support from the Treasury through the various job protection measures. No doubt, the DWP has been a

powerful influencer as to the strategic importance of protecting the private pension system. But, in making that acknowledgement, I want to refer to some—I cannot cover all—of the casualties that have occurred.

The key target group for public policy on auto-enrolment is low-to-moderate earners, including young people and women, but the pandemic has brought widening divisions. Young people are more likely to work in the most impacted sectors, to be made redundant or be furloughed, and to find it harder to enter a difficult labour market. In 2017, the Government commissioned a review of automatic enrolment and committed to changes by the mid-2020s to extend coverage. I am sure that if I ask the Minister for a timetable for those changes, she will repeat that it must be considered in the context of supporting businesses and getting people into work, but I want to push back on that argument, on a particular priority.

Young people will feel the consequences of the pandemic for their life chances for many years to come. The Government should give priority to automatically enrolling workers from age 18 and enrolling all young people registered as unemployed or earning below the earnings trigger into a private pension account, into which government makes a contribution. Other public service obligations are built into the design of auto-enrolment. This should be another—to increase the prospects of young people building up a decent pension pot, which has taken a kicking as a result of the pandemic. Will the Minister consider that proposal and give it priority?

The £10,000 earnings trigger has been frozen, but it still means that women will make up well under 40% of the eligible population for auto-enrolment. If more unemployed women re-enter the labour market on lower earnings, even the estimate of 8,000 more becoming eligible could well be overstated. There are other inhibitors to women building up their pension pot. Noble Lords have already raised the issue of tax relief. However, some master trusts offer both relief at source and net pay. It is not the case that all schemes offer only one option. But the main point is that we still have significant unresolved inequalities in respect of women, auto-enrolment and private pension schemes, which the Government do not seem to have the drive to address.

Another casualty is that rising unemployment will accelerate the small pension pot problem, particularly in sectors where the incidence of small pots is already high. As a DWP report suggests, it is employment ending and transitions to new jobs that drive growth of small pots, rather than active decisions to discontinue saving. There is a really pressing need to find a solution. The Government tilted at one in 2013, with pot follows member, but then kicked the can down the road. By when do the Government anticipate they will have a solution for small deferred pots that is fit for purpose?

Finally, it is now over five years since pension freedoms were introduced. There is increasing evidence that industry and policymakers are creating a retirement market based on assumptions about savers' behaviours which are inconsistent with how they actually behave. Pension freedoms have also reframed the pension pot away from being the means, together with the state pension, to secure an income for life in retirement to being seen as an accessible pot of money to fund

priorities in the near-term future. If that reframing persists, there will be a real public policy failure in 20 or 25 years' time in terms of the money that people have as income in retirement. When will the Government commission a review of the impact of pension freedoms on desirable public policy outcomes?

1.26 pm

Lord Bourne of Aberystwyth (Con) [V]: My Lords, it is a great pleasure to follow the noble Baroness, Lady Drake, who has such broad and deep knowledge in this area. I well remember the powerful contributions that she made to the Pension Schemes Bill, as it was, when it went through the House.

Along with others, I thank my noble friend for setting out the order with such clarity. I join others in noting the great success of auto-enrolment in pensions since 2012, particularly through this difficult period. I understand the thinking behind the decision not to change the qualifying trigger level. I appreciate that in the challenging environment of the last year there has been very little earnings growth. However, as has been acknowledged, freezing the threshold at £10,000 increases the number of people saving into a workplace pension by only 8,000, raising contributions by just a small amount.

Perhaps I may delve a little deeper into the current position on savings more generally. With spending by individuals lower than normal because of the constraints on spending in lockdown and during the pandemic, surely, despite the slowdown in earnings growth, there has been an upswing in savings. Should we not encourage those in employment to save into pensions? Perhaps we are doing that, but I worry about the fact that we are increasing the number of people auto-enrolling by just 8,000. What are the Government generally and the department specifically doing to encourage pension savings? What publicity and education are being provided, quite apart from the auto-enrolment scheme?

It is gratifying that, of the new savers, 72% will be women. This is welcome news, although of course it may well indicate the lower wages of women, as well as, admittedly, a reflection of more part-time working among women, but there remains a challenge to get more women into the auto-enrolment scheme. I wonder whether that statistic worries the Government or heartens them and what the thinking is here.

Perhaps I may also press my noble friend for some broader thoughts on the longer-term thinking of the department and the Government on pensions in general—in particular, on a point made by the noble Baroness, Lady Bowles of Berkhamsted, with regard to what we are going to do with people who, I fear, are in and out of employment in the current challenging circumstances, and how we are going to encourage pension savings in this difficult environment. Those points were also touched upon by the noble Baroness, Lady Drake. I assume that there is a desire to extend automatic enrolment in the future and to lower the trigger for automatic enrolment, but what is the current thinking and the longer-term outlook?

I join others—my noble friend Lady Altmann, for example—in noting the tax trap, or non-tax trap, for lower earners, and the need to incentivise savings

[LORD BOURNE OF ABERYSTWYTH]
for those people. The position at the moment is not satisfactory. I wonder whether my noble friend can give some indication of when the Government are going to get their teeth into this problem and come up with a solution.

1.30 pm

Baroness Wheatcroft (CB) [V]: My Lords, as others have, I thank the Minister for introducing this SI in her characteristically clear, straightforward way. I declare my interest as set out in the register as the director of a financial services business.

We have to be grateful that auto-enrolment was introduced in 2012, that the scheme has prospered and that during this difficult period of Covid the Government have continued to support it. Getting people to save for their retirement is an imperative, and the sad thing is that so many will find themselves reaching retirement with only the tiniest of pension pots. Given the level at which auto-enrolment starts, it would be wrong to encourage people to believe that a happy retirement necessarily awaits.

It is absolutely the right thing to have kept the threshold where it is because something that has become apparent in the time of Covid is just how little of a cushion many people have, and therefore bringing the threshold down or altering it at all would have brought people closer to destitution. A report from the Joseph Rowntree Foundation at the end of last year found that, appallingly, the number of people in destitution during the previous year had risen by one-third. This meant that 2.4 million people, as the foundation says, were living in a position where they were unable to afford to meet their needs or those of their children. That is an appalling state for a country that is supposed to be a civilised leader in the western world.

People who were still in work found themselves having to go to food banks on an ever-increasing scale so it is crazy for us to believe that they could be saving for a pension. The problem is that so many people in our country work but do so on a very, very low wage. The problem is not with auto-enrolment—the scheme is good—but with the amount of money that people have to save.

Does the Minister have plans to do anything about the unfairness that is part of our capitalist system? I do not want to turn the capitalist system upside-down—far from it—but, as we come out of Covid, the fairness agenda will have to be addressed in a way that I do not see being done currently. I would be interested to hear the Minister's views on that. I know she has a deep social conscience that will make her uncomfortable with the discrepancy in many businesses between those at the top and those at the bottom.

Setting the minimum wage where it is now means that many people who take dividends out of businesses are finding those dividends financed, in effect, by the taxpayer in the form of tax credits to those at the bottom of the company who simply cannot afford to live on what they are being paid. The working poor are a major problem in this country, and that problem will of course be exacerbated when they retire and have only their state pension to live on.

At the other end of the scale, I endorse what the noble Lord, Lord Bourne, said when he asked the Government what they were doing to make more people aware of the importance of saving for their retirement. Although of course I have every sympathy for those who are not in a position to save for their retirement, I also believe that those who can save should, and that they should save not only on their behalf but on behalf of their children. Can the Minister tell me in particular what steps the Government are taking to promote the junior SIPP scheme—the junior pension—to which people could contribute small amounts from the birth date of their children and which would multiply over time to provide a decent pension?

1.35 pm

Lord Hain (Lab) [V]: My Lords, I thank the Minister for her clarity in introducing this instrument. It is a pleasure to follow the noble Baroness, Lady Wheatcroft, particularly because of her appeal for fairness in the context of the pandemic.

There have been many expert contributions to the debate so far on the auto-enrolment scheme, which I was privileged to introduce in 2007-08 as Secretary of State for Work and Pensions, making employee pension membership virtually compulsory and helping people save for their retirement. At that time many millions were staring at a pensions black hole but since then I am pleased to say that over 10 million people are in auto-enrolment.

However, huge challenges remain around the level of pension savings, not least as we see the impact of Covid-19 exposing deep inequalities and injustices. We need to go much further to help people save for retirement. One important way to do that is through collective defined contribution pensions or collective money purchase schemes, as they are known in the Pension Schemes Act 2021. As I have said before in your Lordships' House, I welcome the introduction of CDC schemes. I believe they represent an attractive third way in workplace pension provision. They have the capacity to deliver significantly better outcomes for savers than individual direct contribution schemes, improving pensions outcomes for workers.

I have spoken to Royal Mail and its union, the Communication Workers Union, and understand that they are keen to launch Royal Mail's collective pension plan for its 143,000 employees in the second half of the next financial year. I therefore ask the Minister to ensure the passage of the necessary secondary legislation, including tax changes, in a way that will allow such schemes to begin accepting contributions. I also understand that the scheme will require authorisation from the Pensions Regulator. Could she please address this matter in her reply? There is still quite some work to be done before the first CDC scheme in the UK is up and running but, as with auto-enrolment in 2008, there is a significant prize to be won with the introduction of CDC schemes in 2021.

I again appeal to the Minister to reconsider the issue of the 5 million self-employed, many of whom are low-paid and have no pensions at all. When will the Government find a solution to this serious gap?

With defined benefit schemes closing at an alarming rate, the current norm of completely inadequate defined contribution schemes means that the state will incur

multibillion costs in future to save millions of people from abject poverty. The average pension pot is £50,000, which would give an annual income of just £2,500 a year—nothing like enough to live on, even with the full state retirement pension. Experts estimate that we should each save at least 13% of our income from the age of 25 but we are doing nothing like that. The Government are simply not addressing this situation. The blunt choice is between a future of poverty and misery in old age for millions or politicians today being honest about the need for workers' and employers' incentives to pay more into pensions and for the Government to raise extra taxation to help finance decent pensions and elderly care.

1.39 pm

Baroness McIntosh of Pickering (Con) [V]: My Lords, I am delighted to follow the noble Lord, Lord Hain, and thank him for his part in introducing auto-enrolment. I join others in welcoming the order and congratulate the Minister on bringing this forward. With her, I also celebrate what we have achieved so far with the auto-enrolment scheme. I have a couple of questions.

My first concern relates to the impact on small businesses of the increase set out in paragraph 12.2 of the Explanatory Memorandum, which states:

“Due to the changes, private-sector employers will pay an estimated £5 million more in employer pension contributions in 2021/22 than they would have done had the thresholds been updated in line with earnings.”

Can my noble friend say what the impact of the crisis will be on SMEs? How have the Government borne in mind the impact of Covid-19 on the performance of many companies, particularly small and medium-sized companies, during the ongoing pandemic?

I would also like to raise the plight of women workers, particularly exacerbated in the circumstances of Covid, and their ability to save for pensions. Women are now required to work until 66 years of age, yet the pandemic has removed many of these women from employment opportunities and placed them at greater risk of vulnerability, catching infection and being seriously ill from it due to age. Many may be shielding older or younger relatives and have caring responsibilities. That is one issue facing older women who are not yet of retirement age or who are unable to afford to retire and continue to work, but the job opportunities are not there.

Within this category of women I would like to look at women of all ages, and actually all workers, who may have more than one job. We are told that each job is treated separately for the purposes of auto-enrolment pensions. Some jobs will sign a person up to pay into a pension automatically; others will not. We are told an individual can pay into more than one pension, but charges will apply. It may be that you pay two sets of charges if you have contributions to two separate pensions. Have my noble friend and her department had the opportunity to look at this category of women who are caught out in this regard? It would be ideal if people were in full-time positions, but many do not have the opportunity and have to work part-time in more than one or two positions just to make ends meet. Many in this category, women and men, may be reliant on temporary and zero-hour contracts.

It is notable that the Office for National Statistics confirmed there has been an 11% increase in unemployment in women over the age of 65 who have not chosen to take a pension or perhaps do not have one. I would be delighted if, in response to my remarks and questions, my noble friend could write to me if she is unable to answer them today. I will be supporting the order, but I have these concerns.

1.43 pm

Lord Foulkes of Cumnock (Lab Co-op) [V]: My Lords, I would like to thank the Minister too. I see so much of her over the screens these days I am tempted to call her my noble friend, even though she did not mention that auto-enrolment arises from the Pensions Act 2008 and that it is one of the many positive achievements of the Labour Governments of Tony Blair and Gordon Brown. If my recollection is correct, this Act was piloted through the House of Lords by my noble friend Lord McKenzie of Luton, although in his usual modesty he did not mention it in his speech.

I want to confine my remarks to a few brief questions. First, I am not clear on why Northern Ireland needs separate legislation. I sit on the Common Frameworks Scrutiny Committee and we have seen that Northern Ireland has the greatest amount of devolution of all the devolved Administrations—some think it is Scotland, but it turns out to be Northern Ireland. I am not quite clear why there has to be separate legislation in this case.

Secondly, a number of Members mentioned the number of people who will now be able to get auto-enrolment as about 8,000. Could we have a gender balance in relation to that? More importantly, how many working people are losing out and are not included in this when, as others have said, they really ought to be included?

Thirdly, it is not clear why there was no consultation. The Explanatory Memorandum tries to explain this, but it was not clear on why, and I think consultation is always useful on these issues.

Finally, I ask a question in relation to charities as employers. Clearly, they are going to have extra costs and they are suffering tremendously at the moment because of Covid—because of increased demand and the difficulty of raising money. This is going to be an additional burden. Can this be looked at and can the Minister have discussions with her colleagues in other departments to see what help can be given to charities?

I hope the Minister will be able to answer these questions, but meanwhile I will say that I strongly support this order. I hope my noble friend, as I now call her, will be pleased to hear that.

1.45 pm

Baroness Ritchie of Downpatrick (Non-Aff) [V]: My Lords, I would also like to thank the Minister for introducing these regulations and it is a pleasure to follow my noble friend Lord Foulkes. Like him, I am also a member of the Common Frameworks Scrutiny Committee, and he raised two particular issues to do with Northern Ireland. As a former Minister with responsibility for benefits in Northern Ireland, I recall working with the Labour Government, and particularly the noble Lord, Lord McKenzie, in relation to the Pensions Act 2008. There is similar legislation in Northern

[BARONESS RITCHIE OF DOWNPATRICK]

Ireland, but Northern Ireland has always introduced its own social security legislation—that goes back to the date of partition, I think, in 1921.

I support this statutory instrument because I believe it provides an element of fairness and I support the principle of auto-enrolment. I suggest to the Minister that it could be built upon. It is worth noting that Age UK found that 1.9 million pensioners are still living in poverty in the UK. That means that over a quarter of pensioners, despite having worked all their lives, paid their taxes and contributed to our economy, are now living their later years facing more challenging decisions than they necessarily should; wondering whether they can afford to turn the heating on or pay their bills and watching how every penny is spent.

Returning to this statutory instrument and the general issue of auto-enrolment, I have several questions for the Minister. At this time of the pandemic, could she indicate what work has been undertaken about the impact of Covid-19 on workplace pensions? If so, could the Minister share those findings, any assessments and recommendations for the future with your Lordship's House? Workplace pensions are important because almost 19 million are now involved in such schemes. What consideration have the Government given to putting money aside in a government savings scheme as a top-up to workplace pensions? I noted that the Minister in the other place, Guy Opperman, seemed to refer to the possibility of that in a debate on pensions on 10 December. Is that going to happen?

In many ways, furlough has probably meant that a lot of employees have retained their roles and pension contributions have had to continue as part of furlough. Is there a figure or an estimated figure for the UK in relation to this?

The fallout for pensions will become known only when we have a clearer picture of the impact on jobs. Some local pension experts in Northern Ireland have told me that there has not been a surge in people opting out during this period because of the government support schemes. A bigger worry would be those in the self-employed category—the noble Baroness, Lady McIntosh of Pickering, referred to this. I believe there has been a trend of owners of small to medium-sized businesses suspending or reducing their own contributions to protect cash flow within their business. What further protections and assurances can be provided for them to ensure that their pensions and entitlements do not collapse?

1.50 pm

Baroness Gardner of Parkes (Con) [V]: My Lords, the Minister introduced this debate very clearly, and we have had some excellent contributions from Members. I support the order. I have always thought it important that we encourage people to save for their retirement with a pension. The younger you are when you start this pot, the more you have to support yourself as you get older. The introduction of automatic enrolment for pensions was a positive step in this direction, and the massive increase in uptake since it was introduced reflects this.

However, I worry that, in the current climate, this may be a strain too far for businesses, as they struggle under the financial pressure of closing their doors to trade, in part or in full. While the furlough scheme helps

with salaries, it does nothing to assist with pensions and national insurance contributions. It is costing all these businesses money to stay closed—from the Richard Ward beauty salon chain racking up debts of £1,000 a day to the likes of the Leon takeaway restaurant losing up to £200,000 a week, rising to £800,000 if you take account of the profit it would usually make.

Pension costs are part of this equation, and even the changes made by this order will trigger an additional group now falling into automatic enrolment, the costs of which will add to employers' financial worries. I ask the Minister to work with the Chancellor to look at ways of helping these businesses to survive by reducing these costs in the short term.

1.52 pm

Lord Davies of Brixton (Lab) [V]: My Lords, I thank the Minister for her detailed introduction. It is a pleasure to follow the noble Baroness, Lady Gardner of Parkes, because, back in the day, we were both members of the Greater London Council—long lamented by me.

Everyone has pointed out that auto-enrolment has been a success, but it is important to understand that it is still a work in process. A series of well-recognised problems need to be addressed: the exclusions, low contribution rates—there is universal agreement that they should be higher; the only issue is when—and small pots, which is relevant here. Unfortunately, there is nothing in the supporting analysis to say what the impact of changing the earnings limits will be on the number of small pots. We know that there will be millions of them; what is the impact of changing the earnings limits on the future number of small pots? This is germane to the future of the scheme.

There are also some interesting figures in the supporting analysis. I found it a bit counterintuitive that the 8,000 people being brought in by freezing the trigger helps older people, more of whom are brought in by this change than younger people. This points out that we are running out of time: it is important to get the future of the scheme sorted out because these people do not have any time. We are not planning a scheme for people entering the workforce; this is a scheme for people approaching to retirement. The fact that freezing the limit helps older rather than younger people emphasises that point. Deferring it means that they have even less time to sort out their inadequate pensions.

Thirdly, I ask the Minister about the implications of the judgment in the Uber case, the key point in which was that these people are eligible workers and, hence, will be covered by the auto-enrolment requirement. Have the Government explored the implications of the judgment for pensions and, in particular, issues such as back claims for contributions that should have been paid and the fact that people in the area of employment covered by the Uber judgment have fluctuating earnings, almost by definition? Again, this has important implications for small pots and people moving in and out of the earnings limits. Have the Government considered the implications here?

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, I am not able to call the noble Lord, Lord Bhatia, because he was not on the call when the Minister made her opening speech.

1.56 pm

Baroness Janke (LD) [V]: My Lords, I thank the noble Baroness for her clear presentation. We will support the order today. I also thank all noble Lords for their contributions and feel that this debate has raised quite a few issues for her consideration.

Many noble Lords have commented on the fact that auto-enrolment has been highly successful. However, we know that, still, not enough people are saving for their retirement and that particular groups need to save more. In the light of the success of auto-enrolment, could the Minister say what the timescale is for the Government to revisit the recommendations of the 2017 report, particularly in relation to the age threshold and earnings trigger? Several noble Lords raised the issue of the age threshold. Many of us would like to see young people eligible for auto-enrolment. They should be encouraged to make a start to their pensions, and there needs to be an incentive for them to start saving early in their working life.

However, as the noble Baroness, Lady Drake, explained, this age group is the hardest hit by the pandemic; can the noble Baroness comment on her proposal for special consideration for it, which I believe is definitely necessary? I also support her call and that of the noble Lord, Lord Bourne, for much more publicity and education about pensions and pension planning in the workplace.

By reducing the lower age limit to 18 and removing lower earnings limits, a further £2.6 billion could be saved, which would recognise the importance of starting this saving habit early. Although the pandemic has hit this age group hard, a government support initiative would definitely incentivise this group to think about its future.

The earnings threshold is also a barrier for many on low earnings to benefit from a pension. These are the working poor, for whom savings and pension provision will be crucial if they are not to move from being the working poor to pensioners in poverty. As the noble Baroness, Lady Ritchie, told us, 1.9 million pensioners are in poverty in the UK. In relation to the important points about fairness made by noble Baroness, Lady Wheatcroft, this group needs to be considered, and this will become increasingly pressing as we come out of the pandemic. I also cite her point about the small amounts of savings that many people have to help them survive and prevent them going into destitution.

The changes to automatic enrolment could also help to improve the pensions gender gap. The average pension pot for a woman aged 65 is one-fifth of a 65 year-old man's, and women receive £29,000 less state pension than men over 20 years. This deficit is set to continue, all else being equal, only closing to 3% by 2060. Reducing the earnings threshold to a lower level would also bring hundreds of thousands of people, mostly women, into pensions saving.

I ask the Minister to comment on the latest ONS data, which show a stark contrast between the private pension wealth of white British savers and savers from ethnic minorities. What is the Government's response to this data and what measures are they proposing to reduce the ethnicity pensions gap?

The noble Lord, Lord Davies, mentioned the judgment in the Supreme Court last week relating to employees in the gig economy. Like him, I ask what consideration has been given to the implications of that judgment, not just for Uber employees but for others in the gig economy. Have the Government made any assessment of how many other companies will be affected by the judgment and what action will be necessary?

I want lastly to highlight the self-employed, another group which is suffering particularly as a result of the pandemic. Recent research for the Institute for Fiscal Studies shows that only 16% of self-employed workers saved into a private pension in 2018, compared with 48% in 1998. The call made by the noble Baroness, Lady Ritchie, for a report on the impact of the pandemic on workplace pensions is therefore timely. What plans do the Government have to develop and implement policy for the self-employed to provide incentives to pay into a pension scheme to give them security in their old age? I look forward to the Minister's response.

2.01 pm

Baroness Sherlock (Lab) [V]: My Lords, I thank the Minister for her introduction and all noble Lords for a great debate. We do not oppose this order, of course; we all want auto-enrolment to flourish. It emerged from the work of the Pensions Commission, on which my noble friend Lady Drake served with such distinction. As my noble friend Lady Foulkes reminded us, that was legislated for by the last Labour Government—indeed, by my noble friend Lord McKenzie of Luton—and was then introduced by the coalition, so it is truly a cross-party baby. So far, it seems to have come through the threats posed by the pandemic reasonably well, as my noble friend Lady Drake said. People are still saving. Can the Minister confirm that there is no evidence of increasing opt-out rates?

I want to understand more about the effect of freezing the earnings trigger. The Government's review says that a freeze reduces the value of the trigger as it assumes that there will still be wage growth, and its modelling estimates that the freeze will bring 8,000 more savers into scope. That last year's review suggested a freeze would bring into scope another 80,000 savers shows what has happened to earnings growth. Can the Minister explain the projection a bit more? I have tried the methodology and failed. Does it mean only that, all other things being equal, freezing the trigger at £10,000 will draw another 8,000 people into auto-enrolment; that is, 8,000 more than would have come had it been uprated with earnings? In other words, is it just the pensions equivalent of fiscal drag? Crucially, were there any assumptions about employment levels? Is it possible that 8,000 extra people will be drawn in but that a million will lose their jobs and be kicked out, so we are 992,000 down? Was that factored into the decision by the Secretary of State?

As some people have lost hours rather than jobs, others have lost full-time jobs and will end up with one or more part-time jobs instead. If someone has one or more jobs, and none pays over the threshold, they are excluded from auto-enrolment altogether, so what assessment did the Secretary of State make of this in deciding about the earnings trigger? What are the Government doing to tackle our broken labour market

[BARONESS SHERLOCK]

and the rise in working poverty which it is driving—a point made strongly by the noble Baroness, Lady Wheatcroft?

I would be interested to hear the Government's view on the age threshold—an issue raised by my noble friend Lady Drake, the noble Baroness, Lady Janke, and others—and what they intend to do about the gender imbalance, about the ethnic minority imbalance raised by my noble friend Lord McKenzie and the noble Baroness, Lady Janke, and about the self-employed, as mentioned by the noble Baroness, Lady Ritchie, and others. I am certainly interested to know, as are most noble Lords, what is happening to the 2017 review recommendations.

I also have some questions related to the impact of the pandemic. Are more people taking money out of their pensions early in response to short-term need in the pandemic? Are we seeing an increase in scams? With firms facing cashflow crises and then insolvency, are more employers failing to pass over auto-enrolment funds? If the furlough scheme is stopped and that leads to more insolvencies, which it probably will, what will be done to ensure that people get the money that the then-insolvent employer should have handed over? Is the DWP doing a full risk assessment for the pensions landscape in the light of the pandemic and, if so, will it publish it?

On the longer-term issues, my noble friend Lady Drake raised an important question about the shifting patterns of saving in the wake of the pension freedoms. Has the DWP looked at whether there is a shift to pension pots being viewed by people as simply another form of savings and not as a source specifically of long-term retirement income? If so, what does it intend to do about it?

A big challenge remains getting pensions saving up to the appropriate level to avoid, as my noble friend Lord Hain said, millions of people ending up in abject poverty in retirement. I would be interested to hear what the Minister has to say about that and about my noble friend's question about when we will get the secondary legislation for the Pension Schemes Act. Noble Lords will remember quite how much pressure we were under to pass the Bill as quickly as possible, so I hope that we will not see implementation slowing down now the primary legislation is in place.

The Government are perhaps being cautious because of the pandemic, but, as my noble friend Lord Davies of Brixton said, auto-enrolment is a work in progress. Many noble Lords, including the noble Lord, Lord Bourne, the noble Baroness, Lady Bowles, and others, have pressed for the need for longer-term thinking. Can the Minister assure the House that the Government are developing a plan of action to ensure that, once the economic landscape stabilises and employers face less uncertainty, more people are automatically enrolled into pension schemes in the future? As many noble Lords have said, too many people simply are not saving enough money for retirement. We have seen during the pandemic more and more people falling into debt and potentially into poverty. People have lost so much already. We do not want those losses to be magnified further when they come to retire. I look forward to the Minister's reply.

2.07 pm

Baroness Stedman-Scott (Con): My Lords, I thank all noble Lords for their contributions to this important debate and echo the words of the noble Baroness, Lady Sherlock, about how interesting and robust it has been. I have listened to the questions and sought to prepare my answers, but I am sure that I will not get them all in during the time that I have. If I do not answer all questions, I will undertake, as always, to write to noble Lords.

The noble Lord, Lord McKenzie, and the noble Baroness, Lady Drake, asked about implementation of the AE review measures and whether it was appropriate to take forward the 2017 review. Our ambition is to introduce the changes set out in the *Automatic Enrolment Review 2017: Maintaining the Momentum* to the lower earnings limit and the age threshold in the mid-2020s. We will do this in light of the impact of the pandemic and our overall support for economic recovery. We will continue to support long-term saving, balancing the needs of savers, employers and taxpayers.

The noble Lord, Lord McKenzie, spoke about explaining the modelling changes and calculating their impact. It is important that our estimates are as accurate as possible and that we review our analysis regularly to make best use of the data available. We have therefore moved to a new model that better reflects the latest data available since the full implementation of automatic enrolment. This has improved the accuracy of our estimates.

The noble Lord, Lord McKenzie, asked why the Government did not change the AE thresholds to enable more women to save; other noble Lords also made that point. Automatic enrolment has helped millions more women save into a pension, many for the first time. Participation among eligible women working in the private sector has risen from 40% in 2012 to 86% in 2019. Our ambition is to remove the lower earnings limit, which would ensure that all workers benefit from an employer contribution if they are enrolled or opt in.

The noble Lord, Lord Bourne, the noble Baroness, Lady Bowles, and my noble friend Lady Altmann raised net pay arrangements. I am not trying to avoid answering the question, but this is a matter for the Treasury and in the 2020 Budget the Government announced a call for evidence on pension tax relief, which also set out the Government's views on the proposal already put forward. The call for evidence is now closed and the Treasury is analysing the responses received from stakeholders and will respond to the call for evidence in due course. I appreciate that this cannot come quickly enough for noble Lords.

My noble friend Lady Altmann raised the issue of data. I will need to write to her about that.

The noble Baroness, Lady Bowles, asked about the interaction between how benefit assessments are made and pension payments. I thank the noble Baroness for her question; it is a complex matter and I will write to her. The noble Baroness also asked about the conclusions on NPA/RAS rates and whether employers check how many employees are affected. It is for employers to choose the pension scheme that they use and the Pensions Regulator has guidance on its website about

the implications of these two schemes. The Treasury is responsible for this; it has publicly carried out the consultation and will report on it in due course.

My noble friend Lady Altmann asked what we can do to ensure that the amounts paid in are correct. Where it suspects non-compliance, the Pensions Regulator carries out compliance investigations on all types of employers in all parts of the UK. In particular, the regulator conducts complex manual investigations into serious prolonged breaches and suspected offences related to automatic enrolment. In most instances, a compliance notice or unpaid contribution notice is sufficient to get the employer back on track.

The noble Baroness, Lady Drake, raised the issue of rising unemployment and asked whether it would increase small pots and when the Government would have a solution. The Government launched the small pots working group to help identify options to tackle the growth of deferred small pension pots. It is clear from the working group that more needs to be done by pension providers, working together with regulators and the Government. We welcome this work and, alongside this, the Government support the work by providers and others on developing proof of concept trials to help move towards solutions. We will study the working group's recommendations in detail this year.

My noble friend Lord Bourne and the noble Lord, Lord Hain—who is to be congratulated on the work he did in introducing various pension changes when he was Secretary of State for Work and Pensions—asked why the Government did not change the AE thresholds to enable more women to save more. As I have said before, automatic enrolment has helped millions, particularly women, save into a pension scheme for the first time. Our ambition is to remove this limit to ensure that all workers can benefit from an employer contribution if they are enrolled or opt in.

My noble friend Lord Bourne and the noble Baroness, Lady Janke, asked whether we should be encouraging people to save more into pensions and what information about education is being provided. The Government have been active in raising awareness of the importance of pension savings and in driving tools, such as pensions dashboards and simpler pensions statements, to enable people to engage.

The noble Baronesses, Lady Wheatcroft, Lady Sherlock and Lady Janke, and the noble Lord, Lord Hain, all raised intergenerational fairness and the issues affecting young people. The Government's approach to this is to ensure economic security for working people at every stage of their life. I note the points that all noble Lords have made, particularly the noble Baroness, Lady Drake, about the impact on young people of a very difficult economy and labour market. I confirm to the whole House that we are working flat out on our plan for jobs to get people back to work as quickly as we can. There is a huge focus on young people.

The noble Lord, Lord Hain, asked about the self-employed. The self-employed are a highly diverse population with different incomes and saving experiences. That is why we are committed to carrying out a trialling activity to identify the role of behaviour prompts.

I thank my noble friend Lady Gardner of Parkes for talking about the impact on women of freezing the trigger rates. The decision to freeze the trigger again between 2020 and 2021 has already been confirmed and an additional 8,000 individuals will enter the system.

I am touched by what the noble Lord, Lord Foulkes, said about me—I count him as a noble friend, too. The Government are very serious about the gender pensions gap. It is caused mainly by inequality in the labour market, including differences in working patterns and earnings. We need to ensure that women have the resources needed to make informed decisions. I take on board completely the point raised about charities, and I will write to the noble Lord on that.

The noble Baroness, Lady Ritchie, raised some issues regarding Covid-19 and its impact. We are gathering, monitoring and evaluating workplace pension participation and savings data in order to develop as complete and robust a picture as possible.

My noble friend Lady McIntosh asked about multiple job holders. I will write to her. The noble Lord, Lord Davies, raised the issue of Uber, which was also mentioned by the noble Baroness, Lady Janke. Again, I will need to write.

I am very sorry, but I have run out of time. I will write to noble Lords to answer their questions. To confirm, this order increases the automatic enrolment upper qualifying earnings limit to £50,270 and freezes the lower qualifying earnings limit at £6,240, thereby maintaining the alignment of the automatic enrolment qualifying earnings band with the earnings limits for national insurance contributions. The earnings trigger will also remain at its existing level of £10,000, all resulting in an estimated overall increase in total pension savings year on year. I commend this order to the House.

Motion agreed.

2.17 pm

Sitting suspended.

Ministerial and other Maternity Allowances Bill

Committee (and remaining stages)

2.30 pm

The Deputy Chairman of Committees (The Earl of Kinnoull) (Non-Afl): My Lords, the hybrid Sitting of the House will now resume. I ask that all Members respect social distancing. I will call Members to speak in the order listed. During the debate on each group, I invite Members, including Members in the Chamber, to email the clerk if they wish to speak after the Minister. I will call Members to speak in order of request. The groupings are binding. A participant who might wish to press an amendment other than the lead amendment in the group to a Division must give notice, either in the debate or by emailing the clerk. Leave should be given to withdraw amendments in the usual way and, when putting the Question, I will collect voices in the Chamber only. If a Member

[THE EARL OF KINNOULL]
 taking part remotely wants their voice accounted for if the Question is put, they must make this clear when speaking on the group. We will now begin.

**Clause 1: Payment of maternity allowance:
 Ministerial office**

Amendment 1

Moved by **Lord Lucas**

1: Clause 1, page 1, line 3, leave out “person” and insert “mother or expectant mother”

Lord Lucas (Con) [V]: My Lords, I will speak also to the other amendments in my name.

We discussed this issue extensively at Second Reading. Almost everybody who spoke from all around the House was clear that the use of the phrase “pregnant person” in the Bill was unacceptable. Amendment 1 and the consequential amendments substitute the word “mother”. As the noble Lord, Lord Pannick, laid out at Second Reading, last year’s judgment in the Court of Appeal in the McConnell case makes it clear that anyone who gives birth is a mother under English law. That is a word that signifies a role—a word that honours the millions of women who undertake it, and honours equally those mothers who do not own to the label “woman”. It is a word well understood in statute and in law generally, and one that should cause no upset to the Government’s legal team. If I was writing the Bill, I suspect I would have chosen “women”, but I can understand and see that “mother” may be an easier word for the Government to choose, and I am delighted that there are indications that they may be looking in that direction.

Words matter, especially on the long road to equality. The use of the word “person” in the Bill as it is now erases the reality that, overwhelmingly, maternity is undertaken by women and not by men. To leave “person” in place would be a step backwards in women’s equality, uncompensated by gains elsewhere and inconsistent with government policy. I am among a large group of Peers of diverse politics but a shared determination to see continued progress towards equality for women and to oppose attempts to roll that back. There is a great deal to do, and this amendment is just a grain of sand in the balance—but it is a grain on the right side of the scales. I beg to move.

The Minister of State, Cabinet Office (Lord True)

(Con): My Lords, with the leave of the House, I thought it might be helpful if I made a brief statement at this early stage. The Government have listened carefully throughout Second Reading and in the various discussions I have had with noble Lords of differing opinions outside the Chamber. The Government recognise the strength of feeling on this issue and the desire of your Lordships’ House to give effect to this strength of feeling. The Government recognise the concerns that have been expressed, articulated today by my noble friend in his remarks when moving Amendment 1 and by many others in the debate on Monday, that in meeting the legal requirements of legislative drafting there may be more than one acceptable approach.

The amendments tabled in the name of the noble Lord, Lord Lucas, seek to change the drafting of the Bill to substitute the words “mother or expectant mother” in lieu of the word “person” in various places in Clauses 1 to 3. The Government accept that such an approach to the drafting of the Bill would be legally acceptable and that the intention and meaning of the Bill would be unaffected by such a change. As a result, the Government will accept the amendments tabled in the name of the noble Lord, Lord Lucas.

Lord Hunt of Kings Heath (Lab): My Lords, in speaking to my amendments, I very much welcome the Minister’s announcement, as well as his willingness to talk to noble Lords on numerous occasions over the last four days. I also welcome the review he is announcing alongside the amendments tabled by the noble Lord, Lord Lucas. I had already decided to put my support behind the noble Lord, Lord Lucas. I prefer the term “woman” but, as he said, I am very happy with the substitution of “mother” for “person”.

I always wanted to see the Bill delivered so that the Minister can get her maternity leave, but I also wanted it to be clear and respectful to women. I am delighted that we have come to this outcome. There is no doubt that the use of the word “person” rather than “woman” or “mother” is not a technical issue that should ever have been decided by parliamentary counsel. It goes right to the heart of the Government’s attitude towards women, their rights and their ability to speak clearly about situations where their sex matters. In recent months we have increasingly heard about the Government’s concerns about free speech in this country. However, when it comes to issues to do with sex and gender, they have been remarkably silent.

I know that many noble Lords have received countless messages, mainly from women, since our debate on Monday—I have had over 200 messages. What comes through is their fear about the hard-won rights of women and their marginalisation in recent years. I was struck by the comments of one senior NHS consultant, who said:

“Language matters and sex-based rights depend upon that language ... You are ... aware of what happens when women have ... tried to express similar concerns”

to those that noble Lords expressed on Monday. She continued:

“What happened to Rosie Duffield was disgusting, but the silence from her colleagues was also chilling and very disturbing.”

Other comments I received were:

“If we can’t speak meaningfully about sex, we will never end sexism, violence against women and girls, or misogyny”,

and:

“I have campaigned for equality across the board all my life and yet now I’m dismissed as a bigot and a transphobe for even trying to raise concerns at all.”

I too find it chilling that those who speak up for women’s rights can find themselves accused of trans hate and subject to horrific abuse, particularly if they are women. That really is a sign of free speech under threat.

At Second Reading, I listened very carefully to the noble Baroness, Lady Brinton, because she was one of the two speakers who disagreed with the general theme of our debate. She referred to the importance of the

language used in legislation remaining inclusive and referred to trans men believing that using the word “woman” excludes them and therefore removes their rights.

As Louise Perry pointed out in this week’s edition of the *New Statesman*—actually, in relation to the Brighton NHS trust’s adoption of gender-inclusive language—one risk is that if you exclude one group to include another, you impact on their rights. It goes much wider than health, of course. How is erasing women from the language of the law somehow inclusive? Where is the equivalent pressure to change references to men in public health campaigns? Prostate Cancer UK does not come under fire for transphobia for talking about it as a men’s health issue.

It is women’s safety, dignity and inclusion that are compromised when organisations do not feel confident in maintaining the ordinary privacy of separate spaces for changing and washing. It is women’s specialist services, such as rape crisis centres, that are being replaced by mixed-sex services—the latest example being very recently in Brighton, with the contract being withdrawn from Brighton Women’s Aid.

It is women’s specialist services and charities where the staff are afraid to speak up for fear of losing funding. It is the women in the workplace who feel threatened if they speak up for their rights under the Equality Act. It is female academics who are being no-platformed and silenced because they are seen as “the wrong kind of feminist”. It is the women MPs in the other place who get the hate and abuse. That is not inclusion.

I support trans rights, and I support women’s rights. Sometimes, there can be a tension between them. That is why the Equality Act 2010 was so carefully drafted to recognise that, with separate characteristics and principles for reconciling and balancing rights when they come into conflict. The legislation uses the word “woman” not just in terms of defining the protected characteristic of sex, but throughout the Act in all sections related to pregnancy, maternity and lactation.

All institutions have a responsibility to avoid discrimination in relation to each of the nine protected characteristics as laid out in that Act, but it is increasingly common to find in the equality policies of many public bodies that the Equality Act characteristics of “sex” and “gender reassignment” have been replaced by a single word: “gender”. The protected characteristics of pregnancy and maternity are often forgotten. How can those organisations then assess how their policies impact on people in relation to sex and gender reassignment, when they collapse the two categories into one?

Furthermore, many are advised by organisations that tell them that even thinking about the possibility of a conflict of rights is transphobic. The result, of course, is that single and separate-sex services, which are enshrined in the Equality Act 2010, are coming under increasing attack, not least from the misleading guidance issued by many government bodies, local authorities and the EHRC.

I am very grateful to the Minister. This is a turning point and an important moment, but there is much more to do to protect women’s rights and the other rights enshrined in the Equality Act. I will certainly

not move my amendment, but I thank all noble Lords who have given enormous support to this cause; I am very grateful.

Lord Craig of Radley (CB) [V]: My Lords, I had expected to speak to my Amendment 13 but, in view of what the Minister said, it would be detaining the House unnecessarily to go into a long explanation. I had thought to define the word “person” as either an expectant mother within 12 weeks of the expected week of childbirth or, as a mother, a person who has given birth to a child within the previous four weeks. In view of the Minister’s acceptance of the word “mother”, however, I see no further need to proceed with my amendment and will not move it.

2.45 pm

Baroness Barker (LD): My Lords, due to the rules of procedure of our House, I was unable to take part at Second Reading but, having listened very carefully to the whole debate and reread some of the speeches, there are some points not made on Monday that I think should be drawn to your Lordships’ attention. My colleagues will deal with the detail of the debate and the Bill.

We are in familiar territory because powerful campaigns have common characteristics and patterns. A classic campaign identifies a minority group—preferably one about which the majority population knows little—attributes to it characteristics and motivations which make it a threat and repeats those assertions, preferably with the backing of a neutral body or experts, over and over until they become received wisdom. It is what happened to migrant communities in the UK in the 1970s and, in the 1980s, it was lesbians and gay men. Today, it is the turn of trans people. I say in what will be the continuing theme of my speech: there is no evidence, and no evidence has yet been offered, that trans people are a systemic and significant threat to women.

We see a reliance on campaign techniques with which some of us are very familiar. When this House was debating changing the law to allow gay adoption, or enable civil partnerships—the noble Lord, Lord Hunt, will remember it well—we were sent documents which purported to be research. In those days, they came from organisations such as the Christian Institute. These days, the alt-right has become a lot more savvy. It supports campaign groups and individual academics to produce documents that look like research—noble Lords will have got one during the recess—but, on closer inspection, they are just the same dodgy dossiers as in the past. The noble Lord, Lord Hunt, in his speech on Monday recorded at col. 652, was full of passionate assertions based on that document and others, but if you examine his speech closely, there is no actual evidence of any threat from trans people to individual women or women’s rights. It is just an opinion—admittedly, widely repeated.

On Monday, I listened to the phrases carefully crafted to make it appear that the people using them are not transphobic, just protecting women. We heard that again today from the noble Lord, Lord Lucas. As a lesbian who lived through Section 28, I know what it is like to be portrayed as a member of a group that

[BARONESS BARKER]

constitutes a threat to women, children and families—it was unsafe to let us into changing rooms, because we could pose a threat—all without any evidence. That was an experience of classic homophobia, often expressed in exactly the same arguments and phrases as we hear today. This time, no matter who the messenger—the noble Baroness, Lady Noakes, or the noble Lord, Lord Hunt—and regardless of their record on other equalities issues, the effect of what they propose is the same. It is to limit or deny a minority group—in this case, all trans people—access to services and public spaces.

Another trope was on show on Monday: people supporting amendments, like other people in this wider campaign, stated over and over again that they are being silenced. Week in, week out, that claim is repeated in national newspapers and on the BBC and other broadcasters. They are not being silenced; it is just that some of us have the temerity to disagree with them and call them out for what they are doing. They state that they are hounded on social media. They are, but anyone listening to the debate on Monday would have thought that was all coming from one side of the debate. I invite noble Lords to look at my Twitter timeline. I assure them that they will be astonished by what people claiming to be feminists are capable of saying and doing in threatening other women.

I am not surprised that these proposals and amendments have some support in your Lordships' House. The noble Baroness, Lady Nicholson of Winterbourne, is on record as having consistently opposed LGBT equality since 1994. Other noble Lords read the *Times*, which in each of the past two years has published over 320 articles about trans issues, almost all of them full of gross misrepresentation. Others will have been approached by women—female friends and colleagues—who are scared by the never-ending messages that trans people are a threat to them. That is understandable, given the deluge of this incessant campaign. But I stress again that the evidence behind it is not there.

As a Member of your Lordships' House, I have worked hard to improve the position of women, in all their diversity. That includes lesbian mothers in the days when they were considered not fit to be mothers. I have worked hard on women's reproductive rights, so that women and girls, here and abroad, have access to safe, appropriate healthcare. My commitment to women's health and dignity is undiminished. I ask noble Lords who listened to the strong allegations and assertions made on Monday to note the lack of credible evidence for trans people being a threat.

The wording of the Bill is already inclusive. Amending it would be a deliberate decision to exclude trans men and others from services. That is the first and thin end of a dangerous wedge. When people like me were in the firing line, we depended on allies. Today, trans people are under sustained, unwarranted attack. For those reasons, if I get the opportunity, I will vote against these amendments and I strongly urge noble Lords who may well have listened to the debate on Monday to go back and ask themselves the question: where is the real evidence of trans women in particular being a threat to other women?

Baroness Noakes (Con): My Lords, I am sorry that the noble Baroness, Lady Barker, cannot bring herself, as a woman, to share in rejoicing that women will now be recognised in the Bill. There has been nothing in anything that any of us have said against trans people. This is about recognising that it is women's place in society that also needs to be recognised alongside other groups.

I was going to make a speech saying that while I supported the amendment in the name of my noble friend Lord Lucas, I preferred to change "person" to "woman". I continue to prefer that but, given my noble friend the Minister's gracious intervention in accepting the amendment, I have binned that speech. I could not be happier that we now have agreement on amending the Bill. I thank my noble friend the Minister for the time and trouble that he has taken on this matter. He has shown outstanding leadership. While I regret that I added to the burdens of his office since tabling my amendment at Second Reading, I hope that he will share our satisfaction with the end result.

Since Second Reading on Monday, I, like the noble Lord, Lord Hunt, have been inundated with emails and messages thanking me and other noble Lords who spoke for taking part in the debate and saying things that they felt were becoming unacceptable to say in society. We have tapped into a huge well of unhappiness about how women have been eliminated from public discourse and policy. What the Government have done today will be warmly, probably ecstatically, welcomed but there is more to do. We are just at the beginning of the end of the elimination of women from public discourse and I look forward to the review that will follow. This is a great day for women and I feel privileged to have played a small part in it.

Baroness Hayman (CB) [V]: My Lords, I am glad to have had the opportunity, like the noble Baroness, Lady Noakes, to bin the speech that I was going to make and to welcome the Minister's comments. I also was glad that the noble Baroness, Lady Barker, for whom I have huge respect and who has done an enormous amount, has courageously spoken out on issues of discrimination. I was glad to hear her speak and that the case that she has argued has been put forward and heard.

For me, the message that has come from this debate is that it is tremendously easy to find ourselves in a horrible and destructive polarisation whereby we feel that we have to be on one side of an argument, at an extreme, and where it is difficult to make accommodations, understand and work through how we do the task that the Equality Act sets out of balancing and calibrating conflicting—or at least not obviously easy to reconcile—rights.

I have not received a lot of correspondence since my speech on Monday but I have had three letters from trans men who were worried that their rights were being taken away by this change of language. That would have been a serious issue. It now appears, unlike the argument put forward originally, that the noble Lord, Lord Pannick, was right and that no rights would be taken away from people whose sex at birth was female but who transitioned and gave birth. That is important because however small a minority is,

we should protect their rights and the services that we give them. It is easy to fall into the trap of thinking that one has to be on one side or another and it is not possible to accommodate in language—and language does matter—the subtleties of the issues raised. As I said at Second Reading, that process is not aided by legislating in haste. More consideration might not have got us into a situation in which people on both sides of this argument, if I may phrase it like that, have found themselves subject to abuse. I sometimes despair at the quality and cruelty of public discourse in current times.

I therefore take lessons out of this. I am an unreconstructed old feminist and of course I have been worried by some of the developments in language, and those seeping into issues regarding women's spaces and women's rights. That is not because I believe in any way that trans people are a threat to women. The noble Baroness, Lady Barker, is absolutely right about that. There is no evidence or reason to believe that. I firmly believe that we should accommodate, support and be kind and sensitive in our language to those people. However, I also believe that we have fallen from those standards in our services for women recently and that today is important for drawing that line in the sand.

3 pm

I will say one other thing. I was very struck by a letter in the *Times* the day after the publicity about the Brighton NHS trust's change of language, which was, in my view, ludicrous but well intentioned. In many instances, it is not the communities and individuals who are themselves affected by these issues who take an extreme line on language; it is those who choose to be their advocates and take extreme positions. I end by quoting that letter. It read:

"Such attempts to control language may backfire spectacularly on transgender people like me as the public tires of being told what they are expected to think. If even the facts of life are deemed to be transphobic, then perhaps transphobia has lost all meaning." We must be careful with our language and respectful of minorities. We have made an important stand but it should not be seen as having defeated anyone, least of all transgender people. It should be seen as a victory for women's rights.

Lord Cormack (Con) [V]: My Lords, it is a pleasure to follow my friend, the noble Baroness, Lady Hayman. She is of course right: minorities must always be carefully guarded, as long as they behave legally, but majorities have their rights too. It is important that that is recognised. We need to live in a more mutually tolerant and respectful society.

I am very glad not to be going—metaphorically—into the Division Lobby tonight. I am grateful to my noble friend Lord True and his ministerial colleagues for recognising the overwhelming view expressed in the debate at Second Reading on Monday evening. Those speeches were made not because the people making them were intolerant; rather, because all of us were concerned about the role of women in society and the way in which some people have sought to marginalise it. It seemed, to me and to others, quite absurd that a Bill with "maternity" in its title contained not a single reference to "woman" or "mother".

I rather share the views of my noble friend Lady Noakes, who set us off on a very good path on Monday night with her regret Motion, which she did not press to a Division. If we were to put one word in, my marginal preference would be for "woman", but there is no more wonderful word in the language than "mother". I am happy not to join the noble Lord, Lord Hunt, in pressing his amendment, to which I am a signatory, but rather to accept with due gratitude the Government's recognition and incorporate the Winston-Lucas amendments throughout the Bill—because that is what it amounts to.

The problem with a Division is that it would have sent out unfortunate signals, most of all signals that the Government were not prepared to recognise the obvious. They have now done so; for that, many thanks. I am one of that group of colleagues who has met my noble friend Lord True on two or three occasions this week. We have been grateful to have sometimes robust discussions with him. He has clearly listened and talked to his ministerial colleagues. For me, the most powerful lesson of this week is that it is a wonderful illustration of how your Lordships' House can reach across parties. We must recognise that we were a group made up of Members from political parties, the non-aligned and the Cross Benches, who had a common aim and a common purpose: to entrench toleration in this particular legislation. Not a single one of us opposed the Bill itself. There were, of course, those who criticised the Bill on Monday for not going far enough or being inclusive enough; those were valued comments and doubtless we shall come to them again.

However, the thing that united all but two of the speakers on Monday was the problem of language. We are possessed of a wonderful language in this country. To anaesthetise it in the way originally suggested in the Bill was not really good. By the way, I noticed in the *Times* this morning that our colleagues in France are also having problems with inclusive language and all the rest of it, so this problem is not limited to our country or our time. We do not have an academy to protect our language in the way the French do, of course, but it is a rich and marvellous language. Quite soon, we will commemorate the anniversary of Shakespeare's birth, which will give us another chance to recognise how rich, varied and wonderful our language is.

There is no more powerful word in the language than "mother". The fact that it will now be in the Bill gives me great pleasure. I have not been deluged by letters—partly because I am very new to email—but I have had a number of them, some of which were heart-rending, from women who felt that they were being marginalised and not recognised. They rejoiced in the fact that they had, as one of them put it to me, some champions in the House of Lords.

This is not the end of the matter—it is not even the beginning of the end—but, as the greatest of Englishmen in the last century, Churchill, said, this is the end of the beginning. It is important that we review how language is used in legislation. It is important that we look at all the kindred aspects of toleration and how women can be properly recognised, having fought so hard for freedom. It is important that that can now be entrenched and not put aside or marginalised. This has

[LORD CORMACK]

been a good illustration of how colleagues can work together with a common purpose and a common aim. I am glad that we have, to some degree, realised that today.

Lord Winston (Lab) [V]: My Lords, first, let me say that I am more than grateful to the noble Lord, Lord True. At one point at Second Reading, he expressed a real sense of humanity, which is important here. Of course, like him, I recognise that “maternity” comes from the Latin “mater”, meaning “mother”, so it would be fairly ludicrous to exclude the possibility of “maternal” and other such words not being feminine.

Like other speakers, I have basically ditched my speech. I want to say just a few, hopefully relevant, things. In my life, there are four issues that have been really controversial and because of which I have received particularly extraordinary adverse and hostile press. The first was when I first discussed the possible causes of chronic fatigue syndrome with Professor Simon Wessely, who is now interested in helping the Government on mental health issues. That issue produced a storm of deeply unpleasant letters. Another is that being a Jewish member of the Labour Party who did not leave the party, that did not lead to anything other than some rather uncomfortable correspondence as well. I am proud of my Jewish heritage, as I am very proud to be British. In a way, this week we have seen a particularly good piece of common sense prevail in this country.

Noble Lords might remember that I raised the issue of bicycles on pavements. The amount of hostile stuff I received was unbelievable, including a few death threats. But perhaps the biggest single thing has been the question of transgender, which I first discussed about three years ago on the “Today” programme with John Humphrys. I had a lot of very unpleasant correspondence. I do not know who it was from. I presume it was from people who had a different sexuality, but I do not know for certain because I did not meet any of them. Many did not sign their name or give me an address, so it was impossible to know.

I was very upset to hear the noble Baroness, Lady Barker, speak in the way she did, because we have agreed on many issues before. I have a massive respect for what she has done. I remind her that I was probably the first person, not only in this country but in Europe, to offer any in vitro fertilisation—it was free, of course—to lesbian couples. I am proud of that. It was important. I am certainly not a bigot or opposed to people’s different sexuality, and that certainly applies to transgender.

One thing I want to suggest is that, clearly, we will come back to this issue. We have forgotten something completely in this discussion that we really need to consider. It is all very well to speak about words, but they are often not being used correctly or with their proper definition. As a scientist and biologist, I recognise that there are very different views on gender, sex and sexuality, and they need to be stated very clearly.

For example, when it comes to sexuality, perhaps the greatest single biologist who has written on this and researched it endlessly is Professor Roger Short, a fellow of the Royal Society, who is now long retired. His work is really important—I dare not use the word “seminal”, but noble Lords will understand what I

mean. He has shown, in various important pieces of research, that sexuality is not a single issue. We have genetic sex. Each of us has around 30 trillion cells in our body, which will be either XX if we are female or XY if we are male. That is something fundamental that develops from the moment of embryo genesis. Indeed, what I showed in my work many years ago was that, within three days of fertilisation, a male embryo’s metabolism is more active than that of a female embryo. We even thought about trying to use this as a way to determine whether a woman would have a male or female baby during the in vitro fertilisation process, but the figures were not discrepant enough for that to be scientifically useful.

There is also gonadal sex. It is very clear that somebody who has a testis is at least male, while somebody who has an ovary is female. An ovotestis is exceptionally rare. It happens a few times, but invariably all those who have given birth with that kind of intersex have been female. They have all been XX and they predominantly all had an ovary.

There is germ cell sex as well, because we have cells in our bodies that are either sperm, in the case of a male, or eggs, in the case of a female. Those do not change, except in some rare situations. In reptiles, changes of temperature can affect the sex of an egg. It is true that marsupials and some weird voles, *Microtus oregoni*, seem to be able to dictate their sex to some extent with the environment. However, that is quite unique and does not occur in most mammals and certainly all humans, as far as we know.

Hormonal sex is also important, and it starts before birth, not simply at puberty. Testosterone starts to have an influence very early on in the womb. It is important to realise that women, too, produce the male hormone. In fact, if they do not, the chances are they will be infertile, and they certainly will not be as good at debating in the House of Lords than if they did have testosterone. Somehow, testosterone seems to create a feeling of wanting to express yourself in some way. I make that as a rather ludicrous aside, but noble Lords will understand what I mean.

3.15 pm

Most important for me, which I tried to refer to last Monday, is the importance of brain sex, which is determined well before birth in the very early stages of development. We know that all sorts of influences on the foetus inside the womb—that unique connection with its mother—affect that baby in the very early stages of its development. If the woman has high levels of cortisol and is anxious, those babies are likely to be born with depression and problems with fearfulness. They will have more problems as they grow up with all sorts of different traits associated with that effect during pregnancy.

It is also possible that our brain sexuality might even be affected in the womb in the same sort of way. In fact, that increasingly seems likely; there is various evidence for it. In many cases, it is possible that a dying twin—very often we have two embryos in the uterus, not just one, but one does not survive—produces enough of a particular hormone of one sort or another that might affect the sexuality of the other twin. That certainly happens in many mammalian species and

probably in the female human as well. These things are important because they affect the development of a child.

When we came to this issue of “chestfeeding” on Monday, I was staggered to think that it should be seen as a substitute for breastfeeding. It is not, because we know from all sorts of animal models that there is a very big difference between how you breastfeed and how you simply groom or cuddle the baby. That is something we need to consider very carefully, because at some point we will have to come back to debate what are impossibly difficult issues. As Roger Short said:

“It is a fascinating but incredibly complex subject which leads to a logical series of events”,

but he also says that sometimes it is very difficult to understand. We have to recognise that.

I do not want to go on any longer, but one of the reasons why I support the Bill so heartily is that it has nothing to do with gender: it is about women, the uterus and the connection with the baby before and after birth. That is a unique, special environment, which we know from when that environment is challenged in different ways, as it was, for example, in Michael Meaney’s work in Canada, when the babies of women exposed to the desperate storm in the late 1990s were, as a result, born with poor cognition in many cases. We have to understand that there are many things we still do not yet to recognise, but it seems critical that we should recognise the need to praise maternity, support mothers and do all we can for women who are pregnant, particularly those from disadvantaged backgrounds.

In conclusion, I simply thank some of my noble friends. The noble Baroness, Lady Nicholson, has been wonderful in helping this argument through. I am very grateful, of course, to my noble friend Lord Hunt. The noble Baroness, Lady Noakes, who started this with her amendment, was hugely important in getting all of us to think about it. In spite of what has been said, I think that the standard of debate on Monday was exceptionally high. The result is a credit to the House of Lords. Once again, I thank the Minister for being so flexible and helpful in his discussions with us to get this kind of result.

As regards the amendment, which I support, I am very happy to go along with what has been said already by the noble Lord, Lord Lucas. From my point of view, if there is no vote I certainly will not press one.

Baroness Nicholson of Winterbourne (Con): My Lords, it is a great honour and privilege to follow the noble Lord, Lord Winston. I thank him immensely for all that he has done to bring us to this situation, but my first thank you must go to my noble friend Lord Lucas, for giving us the amendment that the Minister has felt able to accept and for putting it down with others. We all thank the Minister for his tremendous work, in the last few days and earlier, in ensuring that the detail of the Bill is as perfect as it can be. He first gave attention to the Explanatory Notes, which he revised and improved. Then, he most generously offered a review, which was a wonderful offer. We are all looking forward immensely to discussing that and participating in a debate later. Today, he has really broken the tape as the winner, in that he has accepted the amendment of my noble friend Lord Lucas.

I was fortunate enough to put my name down in time for one amendment in the name of my noble friend Lord Lucas. I support many amendments, including that which says,

“leave out ‘person’ and insert ‘mother’”.

As Shakespeare says,

“Why not a mother? When I said ‘a mother,’
Methought you saw a serpent: what’s in ‘mother,’
That you start at it? I say, I am your mother;
And put you in the catalogue of those
That were enwombed mine”.

It felt a little like that on Monday. When we used the word “mother”, it was as if people were alarmed by the concept. It had to be a “person”. Today, “All’s Well That Ends Well”, which is where that quotation comes from. I thank the Minister immensely.

The first person to thank, from our Back Benches, must be my noble friend Lady Noakes, who opened up the entire debate on Monday by putting forward her regret Motion. That was a timely and correct Motion, which enabled all of us to open our hearts and minds, and discuss this from all corners of opinion. We thank my noble friend Lady Noakes immensely for doing this for us and for not taking it to the vote, because it has brought us to today’s happy moment, when we have something that nearly all of us—I hope all of us—will fully support, which will give the right maternity allowances and so on to the Attorney-General, whom the Bill aims to support.

The wonderful thing about the acceptance of the amendment of my noble friend Lord Lucas, is that it follows the accurate criticism on Monday and in the other place that this Bill was designed to help one person only. Now, with the alteration of the wording from “person” to “mother”, it embraces everyone. It embraces the whole of maternity. It may not name everyone in it, but it opens the door to us having further debates and enlarging maternity support. There are certain pockets and gaps in maternity provision for women in the United Kingdom even now. The criticism of the Bill was correct that it was just for a single mother, but now it is not; “mother” is for all mothers, and that is wonderful. I am really happy about that.

Many others have been working in the last two or three weeks and, as soon as the discussion began several weeks ago, a large group of us coalesced. We coalesced with almost no special drilling, organisation, APPG horrors or anything like that. Yet, as we have already heard today and will hear more of, members of the group have been working together from all corners of the House. The noble Lords, Lord Hunt, Lord Young, Lord Winston, Lord Triesman, and the noble Baroness, Lady Morris—wonderful Members of Her Majesty’s Opposition are working together with us. We have heard from my noble friend Lord Lucas, and there are many more people on this side too, whom I can name, such as my noble friends Lady Noakes, Lady Altmann, Lady Eaton, Lord Balfe and Lord Polak. We have the Cross Benches, such as the noble Lord, Lord Pannick, and the noble Baroness, Lady Grey-Thompson, who apologises for not being here today, because she is in another committee. She has been and will go on being magnificent. We are still to hear from the noble Baronesses, Lady Fox and Lady Hoey, who are non-aligned. We have already heard from others, such as the noble and gallant Lord,

[BARONESS NICHOLSON OF WINTERBOURNE]

Lord Craig. This big cluster is growing every day; I cannot name everyone. It is safe to say that we have built on the work of the other place and of Sir John Hayes and Andrew Rosindell—forgive me for not remembering their constituencies. We have had a lot of help from across the Cross Benches and both sides of the House.

This is a beginning. It is a wonderful beginning and the first step in clarifying some of the legislation that appears to have become rather muddled recently. We in the House of Lords have the time, duty, knowledge and obligation. We are people of public service, and we can do all that is possible to make certain that everything that comes through this House comes out again in perfect condition, suitable for the population of Great Britain and elsewhere.

I thank the Minister once more and, just to make him laugh, tell him that the debate that he leads this afternoon has a hashtag. Guess what it is. It is all over the web and the House of Lords. The hashtag is #MumsTheWord.

Lord Dodds of Duncairn (DUP) [V]: It is a pleasure to follow the noble Baroness, Lady Nicholson. I add my voice and thanks to the Minister for his earlier remarks and his acceptance of the amendment standing in the name of the noble Lord, Lord Lucas. I also express thanks to those noble Lords who have spoken so powerfully in changing the language that was originally proposed for the Bill, in moving amendments to give effect to the widespread view of Members of your Lordships' House about that issue.

During the Second Reading of the Bill, all were struck by the virtual unanimity, across all parts of the House, in opposing the use of the word “person”. Like others, since participating in that debate, I too have received many emails from women who have expressed real concern about the original proposals and what they meant. One of the things that came out of the debate, more than anything else, was the feeling that it is important to draw a line in the sand on this issue and that it is time to stand up to some of the—if I may say—intimidation and marginalisation that goes on when people try to express what in my view is a perfectly reasonable position.

If it is not possible to talk about a “mother” or “woman”, rather than a “person”, in a Bill of this nature, when would it ever be considered appropriate? Reassurances might have been given that this is to do with legal drafting guidelines, that the Bill is perfectly competent and legally effective, that what is said here cannot be taken as a precedent and so on. I fully respect the sincerity and good faith of the Minister in the arguments that he advanced in the previous debate, but we know that the danger is that, if we had missed this opportunity to resist and rectify something that is palpably wrong, albeit for what might have been seen as plausible reasons, in the future it would have been used as an argument to further do away with appropriate and proper references to “woman” and “women” plural in legislation and elsewhere.

This legislation is very narrow in its application to the circumstances and situation of the current Attorney-General. Again, we wish her and her family well at this important time. It is a pity that the Government found

themselves in the position of incurring such controversy on such an issue. I hope that the lesson has been learned. The way in which your Lordships' House has reacted and taken action is to its enormous credit.

There are a number of wider issues that I and other noble Lords raised during our debate on Monday, and the Government have agreed to come back to the House before the Summer Recess to report on many of them. That is welcome and I look forward to the report. Like other noble Lords, I might have preferred the Bill to refer to “woman” rather than “mother”, but I recognise that the Government have moved today on this most important issue, and I thank the Minister for listening to noble Lords.

3.30 pm

Lord Mancroft (Con) [V]: My Lords, we are all lobbied nowadays and I am sure that from time to time your Lordships have been bombarded with vast numbers of strikingly similar emails which are collectively less than convincing. But rarely in my time in the House have I received quite so many communications of different sorts in such a short period that have been so measured, and which have come from all quarters, as I have about the language in this Bill.

This is not a party political matter, or even really a political matter at all; I was going to say that it is about tone, but of course it is more than that because it strikes at the heart of who we are. Life is often about achieving balance between different priorities, all of which are important in their own way. I recognise that the rights of trans people are important, and perhaps the fact that they are a tiny minority and often remain hugely misunderstood adds to that importance. But I share the view of other noble Lords that in this instance, the rights of mothers trump those of the trans community.

Legislating gives us the opportunity to take a little more time and to get things right. We do not always achieve that, but the manner in which legislation passes through both Houses, in particular through this House, gives us a breathing space to make corrections where they are needed. Today is a great example of what can be achieved when the Back Benches are united and well led, and when we have a Minister who is prepared to listen to the arguments and recognise a good case—and then, perhaps more important, is prepared to fight our corner with his ministerial colleagues. I would therefore like to take this opportunity to thank my noble friend Lord True for the careful way in which he has addressed the debate both on Monday and today, and for the robust representations he has made on behalf of the House to his governmental colleagues. I also thank my noble friend Lord Lucas and the noble Lord, Lord Hunt of Kings Heath, for their tremendous input through their amendments, in particular my noble friend Lord Lucas for achieving the amendment that has won the day.

Most of all, however, I want to thank my noble friend Lady Noakes for her leadership in this matter. It was her tremendous speech on her amendment to regret on Monday that opened the way to this debate and argument being moved forward to a successful conclusion. For that, the whole House will want to thank her.

Lord Forsyth of Drumlean (Con) [V]: My Lords, I echo the sentiments just expressed by my noble friend Lord Mancroft. I do not think that I have ever done this before, but I circulated to a number of people the speech made by my noble friend Lady Noakes. It was outstanding and my only regret is that I was not able to be present to participate in the debate on Second Reading.

This is an important matter. In the 38 years or so that I have been associated with both Houses of Parliament, I have seen a steady decline in respect for both Houses and for the proceedings in Parliament. It is important that we should produce legislation which carries consent and that uses language which people find acceptable and is made as understandable as possible. I cannot imagine—not that any of us are allowed to go to the Dog and Duck or the Rover’s Return, or indeed to any pub—people in the pub referring to “a person” who is pregnant rather than “a woman”, or to “a person” who has given birth to a child, as opposed to “a woman”.

I have to say to my noble friend Lord True that he has done a great piece of work today because I know, having spoken to him earlier in the week, that there were a number of difficulties that needed to be circumvented in order to bring forward his proposition today that he would support the amendment moved by my noble friend Lord Lucas. Like others, I would have preferred the use of “woman” to “mother”, but I am not going to argue about that. My noble friend has done a brilliant job and I share the view that, had my noble friend Lady Noakes not taken her stand, this legislation, I fear, would have gone through in its original form.

I would say to the noble Baroness, Lady Barker, who we all respect enormously, that I think that she has gone off the rails a bit here. If the argument is that any Bill should avoid words that are not gender-neutral, the very title of this Bill, which includes the word “maternity”, would not have been able to pass that test, as the noble Lord, Lord Winston, pointed out.

I was intrigued by the Government’s argument that they were simply following the procedure established some time ago by Jack Straw. Parliamentary counsel’s drafting guidance, which is perfectly sensible, states that it is necessary to avoid

“nouns that might appear to assume that a person of a particular gender will do a particular job or perform a particular role.”

It is clear that in the case of childbirth, referring to “mothers” or “women” in this context is certainly not contrary to that drafting guidance. I therefore congratulate my noble friend Lord True, who on this occasion has proved to be the midwife delivering common sense.

I should say to noble Lords that my name is down to speak to Amendment 32, but in the light of the Minister’s generous acceptance of the amendment moved by my noble friend Lord Lucas, I do not consider it necessary for me to detain the House by speaking to it.

Baroness Goudie (Lab) [V]: My Lords, I was pleased to hear from my noble friend about the drafting rules, as I have tried to fathom them out over the past 24 hours. I thank the Minister for coming round to our view. It is the first time in some while that he and I

have agreed. I also thank my noble friend Lord Hunt of Kings Heath and the noble Baroness, Lady Noakes. Without their persistence on this issue, we would not be where we are today.

However, there is the unfinished business of maternity leave not only for Members of the House of Commons, who are Members of Parliament, but also for their staff and for Members of the House of Lords who become pregnant, and other Ministers. I would like the consultation on these issues to be brought forward quickly, so that everyone is in line and has the same support, and the same rules apply.

Further, I am supportive of trans people and it is important that we have respect for language in every way; that is why I accept the language to be used in this Bill. It would have been better to have used the word “mother” rather than “woman”, but be that as it may, I am happy to accept the amendment.

The Deputy Chairman of Committees (Baroness McIntosh of Hudnall) (Lab): The noble Lord, Lord Randall of Uxbridge, has withdrawn, so I call the noble Lord, Lord Morrow.

Lord Morrow (DUP) [V]: My Lords, I too welcome the Minister’s announcement today and I want to pay tribute to him for his constructive and helpful approach during the week. He is a man who is not afraid to meet and to listen—the hallmark of a good Minister. Much that was going to be said undoubtedly will now not be, and I am aware that that applies throughout the House. However, I do want to make a few brief remarks.

It is difficult to understand why a Bill that relates to maternity leave does not once use the word “woman”. That, as we would say here in Ulster, is quite bizarre. While I support all the amendments, I am down to speak to just one. I have stated that my colleagues and I fully support the legislation; indeed, everyone who has spoken, irrespective of their views about the wording, supports the Bill itself. It is just regrettable that the wording did not come up to the standard that some of us felt we could have supported.

A Bill being fast-tracked always raises my suspicions, and I do wonder why this Bill is being fast-tracked. I know that sometimes there are very good reasons, and I think we all accept that this Bill has to be got through. However, unfortunately, this Bill, which is about ensuring the rights of pregnant women, was quite disrespectful to women in its original wording, in that it referred to them as “persons”. In all good conscience, I could not have supported the language used throughout, which made no mention of “women” anywhere.

The terminology stands in sharp contrast to all other UK legislation affording maternity rights and protection. I refer to the Employment Rights Act 1996 and the Equality Act 2010. Some advocates of inclusion and diversity in Parliament, with whom I would not always agree, have rightly opposed the move towards gender-neutral language, on the basis that you cannot grant new rights to certain groups by taking away the rights enjoyed by others. The Bill would, regrettably, have anonymised and dehumanised the status and life experience of women. But we know that has now been changed, thanks to the Minister’s constructive approach.

[LORD MORROW]

I believe listening is the sign and hallmark of a good Minister, and the noble Lord, Lord True, has certainly done that.

Lord Wallace of Saltaire (LD) [V]: My Lords, this Bill will now pass unamended and I welcome that. But we recognise that our debate has touched on wider issues and that we are likely to return to them, in spite of our agreement on the government concession, on other Bills.

When I first joined this House a quarter of a century ago, it was dominated by men, most of them hereditary Peers. A Conservative woman Peer told me the hereditary Peers in her group treated the women Peers as if they were “day boys”. Having been at a boarding school myself, I knew exactly what this meant. In my first Session, I objected to some sections of that year’s defence review, which included women in the section on “equalities”, but gays in the section on “disciplinary problems”. When I dared to refer to great commanders of the past whose sexuality might have been called into question if aggressive efforts had been made to investigate them, I was attacked from both the Labour and the Conservative Benches and thought it wise to apologise before the debate wound up. Happily, this House and the country as a whole have moved on a great deal since then. We have all become more inclusive and openly diverse. None of us, I hope, wishes to return to the attitudes or the language of that earlier generation.

It is not only in Britain where we have moved towards gender-neutral language in political discourse. In Germany and France, which the noble Lord, Lord Cormack, mentioned, similar changes have been debated and carried into effect. There have been similar protests over attempts at political correctness—although I am not aware that people in France or Germany have taken over the term “woke” from its American origins. The general direction of change has been towards gender neutrality in language, where possible, to remove the implicit biases against women and LGBT people that were often embedded in language.

We all appreciate that this is a sensitive area where passions can easily be aroused. The last thing we want in this country is to slip towards the aggressive culture wars that have been stoked up in the United States, with partisans of opposing viewpoints more interested in the battle itself than in finding common ground, with well-funded organisations feeding the fire. We have all seen American battles spill over into British debate, from the student rebellions and protests that the Vietnam war provoked, to those over Black Lives Matter and opposing interpretations of each country’s history, glorious or inglorious. I hope all of us wish to resist sliding down the road that has led to such bitter divisions in American society, stoked by rival lobbies and highly partisan media. I hope we are all committed to an inclusive society and inclusive language. I also hope we are united in wanting to avoid moves to secure equality for women and moves to provide equal rights to LGBT people being pitched against each other.

3.45 pm

As a former university teacher, I am also concerned about the possibility of freedom of speech in British universities becoming another battleground between

cultural radicals and cultural conservatives. I am not persuaded by any evidence I have seen so far from Policy Exchange or elsewhere that there is any real threat to freedom of speech in our universities—any more than there was at the first lecture I gave nearly 55 years ago, when I found myself faced with a student demonstration. I am aware there is guerrilla warfare under way in some American liberal arts colleges—but that is over there, and we have no need to imitate it here.

Last week, a well-known professor published an article in the *Daily Mail* saying he was part of a secretive and persecuted minority in British universities. He lacks self-irony; secretive and persecuted minorities rarely get published in the *Daily Mail*. Matters of freedom of speech, women’s rights, gender-sensitive language or inclusiveness for lesbian and gay communities can easily be exploited by populists and hard-line lobbies. Those of us who care about an open society, and tolerant and democratic debate, will want to unite in resisting their attempts to do so. I note that the very concept of an open society is now under attack—in the United States, Hungary, Poland and elsewhere. We must all defend it in Britain.

The 2007 legislative guidance was a move in the right direction. I see no reason to change that guidance. I look to the Minister to continue to defend these open and democratic principles. I assure him that in doing so he will have strong support from the Liberal Democrat Benches, and sharp criticism if he should falter.

Baroness Finlay of Llandaff (CB) [V]: My Lords, I am glad to be following the noble Lord, Lord Wallace of Saltaire. I welcome the Government accepting amending the Bill. I listened very carefully to the very wise words of the noble Baroness, Lady Hayman, today and the comprehensive tutorial on development from the noble Lord, Lord Winston.

This Bill concerns maternity allowances for Ministers. For a group to be protected by the law, they must be properly identified in the law, and all I would like to say is that I feel that this amendment is a start.

Baroness Meyer (Con): My Lords, I too warmly welcome the Government’s decision to accept my noble friend Lord Lucas’s amendments. I join everyone in this House who in the last debate offered the Attorney-General their best wishes. Having a child is one of the most magical moments in a woman’s life and it is right that a Minister should be allowed to take maternity leave.

I particularly thank the Minister for his understanding and his realisation that many women felt offended. I also thank the noble Baroness, Lady Noakes, who, as the noble Lord, Lord Winston, would say, had the testosterone to start this most important debate.

It would have been ironic if, having spent years as a commodity broker, asserting myself and my rights as a woman in a male-dominated environment, I had found that 30 years later women had become a neutral object, neither man nor woman but a person. This is the ideology of the madhouse—or, to put it another way, we might as well have declared that biology was to be struck from the school curriculum. It is a plain

fact of human existence that only women can become pregnant and that therefore this piece of legislation could not have been gender neutral. It would have amounted to acquiescing to the obsessive “woke” culture infesting so many aspects of our lives.

There is another issue. As my noble friend Lord Cormack and others pointed out, it is also a matter of language. English is not my mother tongue—or maybe I should say my “person’s tongue”. In fact, it is my third language. Maybe it is for that reason that I appreciate its beauty, its richness and, compared to other European languages I know, its greater flexibility. English is a language that adapts itself to law, to business and to humour better than most others. That is why so many want to learn English. Our schools and universities are a huge source of income and soft power.

Things have moved on a lot since the gender-neutral protocol in 2013 but not all for the better. We are on a slippery slope towards the complete debasement of our language. As the noble Lord, Lord Hunt of Kings Heath, said in his passionate speeches, words and phrases such as “chestfeeders”, “birthing bodies” and “menstruators”—my autocorrect does not even recognise that last one—are truly unacceptable. I am not sure whether many foreigners will want to continue sending their children to learn English in the UK if we allow this kind of gender derangement to run riot through our language. It is bad enough to see grammatical mistakes, even commonly on the BBC, but corrupting the English language to this extent and demeaning women with reference to a gender-neutral person was just a step too far. I am delighted that the word “person” has been changed and will be “mother” in the Bill. Let us not continue down this dangerous path.

Lord Morris of Aberavon (Lab) [V]: My Lords, it is right both that we get the wording in legislation right and that no offence is caused. The problem is that what was acceptable yesterday is not necessarily acceptable today. I very much welcome the helpful stance taken so early in the debate by the noble Lord, Lord True, on behalf of the Government, and I hope that will relieve anxiety.

I once caused offence to a colleague in your Lordships’ House in a short intervention because I used the word “man” on two occasions and she forgot that I had used “persons” on three occasions in the same speech. It was a no-win situation. A distinguished law professor at my first university, long before my time, used to say that according to the Interpretation Act 1889, the word “man” embraced “woman”. I have not looked that up and I do not know how relevant it would be today.

What is important, as the Minister said at Second Reading, is that the Labour Government in 2007 and successive Governments have sought to avoid gender-specific pronouns and usages in drafting legislation. I do not think we should overthrow that legislation. I hope the Minister has met the concerns expressed by the mover of the first amendment. The Committee will not mind my reminding it that when there is a departure from the traditional wording by parliamentary draftsmen, the courts are minded to probe deeply into the possibility of different meanings. Taking on board the observations of the Minister, I venture to advise

the Committee of the dangers of departing from traditional drafting. Concern about any particular word or words should be looked at, not in this Bill but rather in a review of drafting practice more generally. That is the right place to ensure that we keep our drafting up to date.

I add that, further to the Minister’s speech at Second Reading, when I introduced the Law Officers Bill in the other place in 1997 there was no restriction whatever on the ability of the Solicitor-General to exercise all the functions of the Attorney-General. He may want to reconsider his remarks to remove any dubiety.

Baroness Fox of Buckley (Non-Affl): My Lords, like others, I would have preferred the unapologetic word “woman” to “mother”, but I warmly commend the Government for listening and especially the noble Lord, Lord True, on his patience in talking to some of us. I am delighted to take this as a win.

As we have heard from colleagues, the most gratifying part of all this has been about opening up a broader debate. Second Reading opened a Pandora’s box. As others have said, our inboxes have been bursting with relief and gratitude that the debate happened at all. People who usually sneer at the House of Lords—a lot of my colleagues are not keen on this place—were cheering, which was disconcerting. The noble Lord, Lord Hunt of Kings Heath, and the noble Baroness, Lady Noakes, are now considered national heroes, let me tell you; I am expecting statues to be put up soon. I personally commend the noble Baroness, Lady Nicholson, for showing real leadership on this question.

However, we should be careful about too many congratulations because the truth is that we are in a privileged place. In this House, at least, we cannot be cancelled for raising the issue. It might be an affront to democratic accountability that we are here for life, but I am delighted that we have used that wiggle room to say something that has become unsayable. How extraordinary and sad that saying that women give birth is so contentious, and that we are told we are brave for saying it. I feel a bit queasy when people say they commend our courage for speaking out, because we are safe here. We are not facing the kind of threats that Professor Selina Todd, a history professor at Oxford University, has when she needs security to give her lectures because she is gender-critical.

All those emails that we receive show just how frightened people are to speak out. Mostly it is not physical fear but fear that they will be dubbed bigots because they are progressive people—and who wants that? They are frightened that their defence of sex-specific services and the use of sex-specific language will see them closed down. I disagree with the noble Lord, Lord Wallace of Saltaire, when he says that free speech is not under threat. I think it really is.

The noble Baroness, Lady Barker, in some ways associated those of us making these arguments with deploying the same tactics as those who campaigned against immigrants or lesbian and gay rights in the past. That itself becomes a form of demonisation, which has a chilling effect, but I reassure the noble Baroness that this is not an argument for bigotry; it is for women’s rights. She fears that this is stating that

[BARONESS FOX OF BUCKLEY]

trans people are a threat to women, but that is not what I am trying to do at all. What is a threat to women is a particular brand of trans identity ideology. That does threaten women, but that is not the same as trans people.

There is a shocking consequence for service provision that I want to mention. I have spent hours in this House discussing the Domestic Abuse Bill and will carry on doing so. However, as we have heard from the noble Lord, Lord Hunt of Kings Heath, it is not only free speech that is under attack but services as well. This week, three specialist domestic abuse agencies lost funding due to local government gender-neutral policies and language. The fate of RISE, a mostly women-only refuge and domestic abuse service in Brighton, means that they have lost £5 million in contract work and will likely have to close, after council chiefs set up a tender intentionally non-gendered so that any women-only organisation would fall short of the new demands. When I expressed shock at this, I was told that I was anti-trans women, which I am not.

4 pm

Of course, there are tricky questions surrounding this issue. It is a challenging moral and ethical area, and there are difficulties when rights appear to clash with one another. I do not always know how best to discuss what makes someone a man or a woman, or how to create an environment in which we can freely discuss gender identity. I worry about protecting transgender people from discrimination and unfair treatment and I do not want polarisation either. How do we deal with that? We deal with it by grown-up conversation. We need free speech, no demonisation, no calling people phobic or anything else. We need open debate, and I am proud that there have been open debates on this here on Monday and today.

One novelist recently wrote:

“In order to think clearly, we must be able to speak clearly.”

She finished by saying that if the abuse of language and the concerted attempt to cancel womanhood continued, and if the establishment continued to pander to notions such as the statement that it is only women who can get pregnant, we would lose the war on words, and that would be a fatal undermining of precious freedoms that women had achieved. Well, today we did not lose the war on words, and all credit to the Government for that. It is very good news, but there is no room for complacency because this is only the start.

Lord Polak (Con): My Lords, it is a pleasure to follow the noble Baroness, Lady Fox. I too was unfortunately unable to take part at Second Reading but congratulate my noble friend Lady Noakes on her brilliant speech on Monday. Did she really expect to be here today listening to this debate?

Like my noble friend Lord Cormack, I think that the cross-party ad hoc group that came into being shows what can be achieved. I pay tribute to my noble friends Lady Nicholson, Lady Noakes and Lord Lucas, and the noble Lord, Lord Hunt, among many others. Perhaps I may be permitted also to publicly thank Karen Wilmot for her tireless efforts. I hope that my noble friend Lady Nicholson will give her some well-deserved time off this weekend.

My right honourable friend Suella Braverman is indeed my friend. I wish her, Rael and baby George well—as indeed would the majority of people throughout this country. This is exactly my point. The overwhelming majority of people in our country sometimes wonder what we are all about—or, more accurately, what the drafters of this Bill were thinking, or, more pertinently, who they were listening to. What concerns me most is when the Government appear to listen to the noisiest groups and seem to want to satisfy those small, vocal activists rather than the overwhelming but perhaps silent majority.

So, instead of appealing to my noble friend the Minister, I congratulate him. One of the pleasures of being a Member of your Lordships' House is being present in the Chamber to witness great speeches and intense debate, and to watch and learn from the skill of Ministers in dealing with situations, marrying up the briefs that have been prepared for them with the need to be nimble and articulate. I watched with admiration how the Minister worked tirelessly to pilot the UK trade co-operation Bill through this House. He was on top of his brief, was always courteous, stood his ground and day after day, week after week, did a magnificent job on behalf of the overwhelming majority of people in this country.

In the same way that he deployed an abundance of common sense to pilot that most difficult, complicated and politically charged piece of legislation, I was going to appeal to him to stand back and focus on the amendment, focus on what is clearly the right thing to do and focus on serving the overwhelming majority of people in this country. But I am deeply grateful to my noble friend Lord True, as I am sure that he led the discussion to ensure that common sense prevailed. I hope that this lesson has now been learned.

Baroness Uddin (Non-Affl) [V]: My Lords, I thank the Minister for his personal assurances and commitment to improving the Bill, and I am grateful to the noble Baroness, Lady Noakes, for her leadership and intervention.

The Government have acknowledged the significance of women's role in giving birth. Language is imperative in setting out law. I would have preferred “woman” but support the noble Lord, Lord Lucas, as this honours mothers. I will say a quick word about feeding babies. Both my husband and I have chests, although mine is slightly adjusted, so it was me who ended up breastfeeding my five children. So I take great exception to the word “chestfeeding” and hope that we will not descend to the farce that has got us here.

Women like me have entered public life and carried on birthing children and experiencing great financial stress. This has reminded me of having to attend a Labour Group AGM on the third day after my daughter was born in 1992. I was immediately informed by the then leader, who is now the mayor of the council, that my baby was not entitled to enter the building and, more importantly, our shared office. I was similarly vilified in a national newspaper for bringing my eight month-old son to this House for one day in 1998—although subsequently sentiments changed towards other colleagues and mothers, thank God, who were regarded as heroic for bringing in their newborn babies and children.

It was a farce that led us to refer to a “person”, not a “woman”, no matter the explanation. While I appreciate the miraculous advances in medicine and science, not least the discovery of Covid-19 vaccines at such speed, I do not foresee that in my lifetime men will be birthing babies. Apart from anything else, it would certainly speed up population control. Until then, we should ensure that we provide women with the necessary support, and I support this Bill very strongly.

Due to House procedures and unforeseen circumstances I was not able to participate at Second Reading. I am glad of this opportunity to do so at this stage, as I welcome and support this Bill very much. I thank all noble Lords across the House for their powerful contributions. Like many other noble Lords, I would like to see the Government give further urgent consideration to improving maternity pay and conditions for all women in other professions, including local authority councillors. I have spent most of my life working first in the NGO context and then as a contracted social worker, not entitled to the luxury of full maternity pay. This has been the experience of hundreds of thousands of women, including Members of this House who have been pregnant during their time here.

Equal access to work is not the reality for many, and despite the Equal Pay Act 1970, our statutory maternity pay is a mere £152 a week, which is probably not enough to cover nappies these days. Over 50% of women from ethnic minority backgrounds work in insecure and low-paid sectors. I have strived for equal justice and whenever I have been in a decision-making position, I have taken action on employment rights, including maternity pay for staff, which is an essential element of workers’ rights.

The very first time any women within the NGO sector had full maternity rights provided was in 1982. I managed a women-led organisation, and I negotiated with the then GLC women’s committee, which had the foresight to support this—much to the angst of the local union, which argued that unless all NGOs were paying their maternity entitlement, one organisation should not be an exception. But I stood my ground, with the support of women locally and other women’s organisations, and maternity payments are still preserved in that organisation 36 years later.

This is really important. I persisted with that organisation. Despite the fact that they were all minority women, they were entitled to proper wages because unless you have proper wages it is no good relying on measly packets of maternity pay. This is a very important factor. Working conditions for minority women remain appalling. The incredible coalition that has been evident throughout these discussions on the Bill has been so powerful. We must now strengthen our resolve to ensure that we do not revert to accepting anything less than the best possible financial care for women, expectant mothers and mothers. We should do everything possible in our deliberations. We have raised hope for women across our country that we commit to making sure that they also are given their fullest maternity entitlement.

Baroness Altmann (Con): My Lords, I, too, thank the Minister, and I am most grateful to him for the time and effort that he has taken to meet our cross-party

group of Peers and to make himself available in such an understanding and courteous manner. I am delighted that he has been able to accept the amendment moved by my noble friend Lord Lucas, which I wholeheartedly support. I also thank my noble friends Lady Nicholson and Lady Noakes for their wisdom and leadership, and the noble Lords, Lord Hunt and Lord Winston, and my noble friends Lord Lucas and Lord Cormack and others on the cross-party group who have been so steadfast in their efforts to address this most sensitive and difficult issue.

In my view, anyone who gives birth is a mother. Respect for motherhood is important. As Aristotle said, the worst form of inequality is to try to make unequal things equal. The use of the term “pregnant person” undermines the case for women’s equality and seems to marginalise women in the context of their biological role. I apologise to noble Lords that I was unable to be present at Second Reading, and I thank the Committee for allowing me to speak in this debate.

I support women’s rights. Indeed, having worked in the City some 30 years ago and having seen the progress that women have made in what used so often to be a man’s world and no longer is, I regret that there is some perception that standing up for the rights and roles of women in some way denigrates other groups. I am not transphobic. I respect anyone’s right to own their own sexuality, but balancing equalities must not become the sort of topic that in the name of equality marginalises other groups’ rights. I echo the words of so many others that the rights of minorities must be respected. Again, I am grateful that my noble friend the Minister has been able to accept my noble friend Lord Lucas’s amendment, and that the House seems to have been able to make a real difference on this most important debate.

I shall finish with the words of Gandhi:

“Our ability to reach unity in diversity will be the beauty and the test of our civilisation.”

I believe we have moved a step closer to passing that test today.

4.15 pm

Lord Triesman (Lab) [V]: My Lords, it is a privilege, as it always is, to follow the noble Baroness, Lady Altmann. I think that she and I have two reasons to celebrate today. The first, of course, is the change that has taken place as a result of the Minister’s statement, to which I will return in just a second, and the second thing we celebrate is that we are both from Tottenham, and it is one of those rare days when people from Tottenham will be celebrating as well. I know that the noble Baroness, Lady Altmann, will know exactly what I am talking about.

I join others in expressing my thanks to the Minister. We have not always been on the same side of debates, but I have been enormously impressed, as have other noble Lords, by his willingness not just to listen but to argue his case and then to come to a conclusion, which I am sure is his conclusion, which he has urged on other Ministers to make the Bill a better Bill. I appreciate that and I thank him for it, just as I thank the noble Lord, Lord Lucas, for moving the amendment, which I fully support, my noble friend Lord Hunt of Kings

[LORD TRIESMAN]

Heath, the noble Baronesses, Lady Noakes and Lady Nicholson, and all others who have provided not only a lot of good sense but a very educative process for the House. I appreciate that a lot.

A number of noble Lords have been quite rightly appreciative of the role on all these issues of the noble Baroness, Lady Barker. I am afraid that I am going to break ranks a tiny bit with her, and I hope that one day, if not today, she will forgive me, because when people tell you that you that because of the sorts of things you are likely to say or the things that you have said you are going to be called out, it is important to know what you are being called out about and whether it is true. I said at Second Reading, and I know it is true of very many colleagues across the House, that we have been involved in various fights—led by women's organisations, I have to say—for the extension of women's rights. I deeply appreciate those who led those fights, and I am grateful for the chance to have taken part.

The same is true about LGBT. I cannot recall one of the significant campaigns that have come from that community for which I have not had 100% support. That is also true about the rights of trans people, so I do not accept in any sense that by raising these issues we somehow have turned our backs on that history, or on the commitments which we have adhered to or that we have made, or that we are engaging in grievous stereotyping. I completely accept, for example, that trans women are under threat, as the noble Baroness, Lady Barker, said, but it is also true that other people and other groups are under threat and I do not think we do any of them any service if we play them off one against another.

The noble Baroness, Lady Barker, said that we would be alarmed if we saw some of the things that have been written and said to her, so let me say that I deplore that as well. That kind of nastiness and incivility is deeply damaging to our political life and social life, and I deplore the fact that the noble Baroness has been on the receiving end of that kind of diatribe. But I hope she will accept that when we talk about evidence, there is genuine evidence on all sides. My noble friend Lord Winston made a point about some of the occasions when he has been on the receiving end. I can confirm that, on some issues, for me in the Labour Party the anti-Semitic abuse was completely intolerable at one stage, as I think it was to all people of good will. You do not accept that that behaviour should be meted out to other people, and I do not expect to be on the receiving end of it either.

The truth is, there is a huge amount of evidence. The most important evidence—referred to with great care by my noble friend Lord Hunt of Kings Heath, who has also played a huge role in this, and by the noble Baroness, Lady Fox—is that organisations and individuals are having their capacity to act on behalf of people who suffer from discrimination stripped out by being denied the kinds of funds they have had for a long time to conduct that fight. That is all real evidence. It is as real as the evidence on any side of this. I have received a large number of very pleasant emails, but I am afraid to say I have also received a significant amount of abuse on social media.

The language is an issue. Getting the right language in our legislation is always an issue, for reasons I will not repeat because noble Lords have made the point very clearly. It is urgent at the moment, not just because of this Bill but because, for example, the basis on which the ONS has decided to collect data on biological sex—or rather, not to collect this data in the census—now means that a number of leading quantitative social scientists believe we will have inadequate data and an inadequate track back through data historically. We have been given almost no time to comment on the wording of the census, yet that wording, which guides so much social policy, so much of our understanding of our country and should guide a great deal of our debates in this House, will now be poorly defined. I suspect too that it will be poorly used in policy-making. I hope the Minister will comment on how we might rectify that problem.

I started my speech, as has every other speaker in the House, with the words “My Lords”. When the Minister replies, I suspect he will also start with the words “My Lords”. We are in an institution which is named after the male Members and not the female Members. We do not raise the issue—I am not intending to raise it as a specific, sharp problem—because it is a matter of historical convenience and we like traditions. On occasion, we use language which I suspect would be thought offensive or inappropriate in other circumstances.

We of all people should be extremely sensitive to the way in which the people of this country speak, what it is they expect from us, how they quite rightly expect not to be patronised, and how they expect what we do to be intelligible. We should not abandon that, and that is why the language is vitally important. I thank noble Lords for having listened to what I have said. We have a long way to go to get this right but let us applaud the start we can make today.

Lord Balfe (Con): My Lords, it is always a pleasure to follow the noble Lord, Lord Triesman. We have a special connection—in fact, it seems we have two. He was the general secretary of the Labour Party when I was expelled, although the credit for that is always claimed by Mr Anthony Blair and one or two other people. I subscribe to my daughter's feeling that the only thing wrong with me being expelled was that it was 20 years too late. Our other connection is that I spent five years as chair of the Tottenham Conservative Association; if anyone ever took on a hopeless cause, that is it.

I first thank the Minister for the concessions that are being given, but I would like to ask one genuine question. Lots of people have said they prefer the word “woman” to “mother”. Can I ask him why the Government prefer “mother” to “woman”? They must have debated and discussed it, but no one here seems to agree with them. Obviously, I am not going to divide the House or anything like that, but I would be interested in that.

Another thing, which probably cannot be debated but should be borne in mind, is that someone got the Government into this mess. This came about because the people drafting the Bill messed it up: it is as simple as that. This is not a policy that is wrong; it is a

drafting measure. I hope that steps will be taken to ensure that we are not put in this position again, because it is a pretty awful position to be in.

The noble Lord, Lord Hunt, referenced the article by Louise Perry in the *New Statesman*. It is an excellent article which brings this whole debate into focus. She says:

“the number of people who will benefit from this move is truly tiny: specifically, we are concerned here with trans or non-binary people, who are biologically female, and able to bear a child following any surgical or hormonal interventions ... and decide to do so, and care about squabbles over vocabulary.”

There are a lot of qualifications in there. She goes on to apply some figures to a much more serious problem: the number of mothers presenting at maternity clinics who do not have a full knowledge of the English language, let alone these ways of interpreting it, which would mean nothing to them. As she says, “the first maternity appointment” for a person who does not speak good English—I am not talking about no English—takes “twice as long” as it does for those with a good command of the language. As she says,

“Now try adding terms such as ‘chest-feeding’ and ‘birthing person’ to the official forms.”

In other words, you are making great difficulties. I draw attention also to the work of the psychologist Rob Henderson, who describes much of this as “luxury beliefs”: “ideas and opinions that confer status on the rich at very little cost, while taking a toll on the lower class”.

There is a wider issue here. We need to be careful to make our legislation and policies relevant to all citizens, particularly citizens who are not necessarily as wealthy as the rest of us.

At the beginning of my career, as a lay trade union official I was told that one of the golden rules was that you should never get further ahead of the membership than they could see and understand what you were signalling them to do. On issues like this, I regret to say that we are tending to get a bit too far ahead of ordinary people and their desires. We are, after all, a Parliament for everybody and not just for a few.

Maybe in 20 years’ time—this was the point made by the noble Lord, Lord Winston, among others—this issue will come back to us, having developed more maturely, such that we look at changing the language. That point is far from where we are now. I close by mentioning that my daughter, who is going to have a baby in a few months’ time, thinks this whole thing is “hilarious nonsense”.

4.30 pm

Baroness Hoey (Non-Afl) [V]: My Lords, as a signatory to many of the amendments, particularly that of the noble Lord, Lord Hunt, I am obviously happy that they will not need to be pressed, although personally I would have preferred the use of “woman” rather than “mother”. However, like everyone, I welcome the change. As I think I have said before, when I first looked at it, it seemed amazing that a Bill about maternity, which involves women and mothers who can have children, should not have included those words, so I very much welcome the change.

To add to all the blushes of the noble Lord, Lord True, my admiration for him has escalated even further. The way that he handled our sometimes difficult meetings

with him, and the way that he has handled this Bill overall, has been an example of what a good, listening Minister—and, indeed, a listening Government—should do. But whether that helps his promotion prospects, I am not so sure.

There are so many people to thank. There is no point in going through all of them again but, without the amendment of the noble Baroness, Lady Noakes, we would not be here today. Her amendment expressing regret at Second Reading really opened everything up and, even if I had not come to the Chamber that day thinking that what was happening was a nonsense, I would have gone away thinking that it was a nonsense if I had listened to her.

I also thank the noble Baroness, Lady Nicholson, for so diligently getting us all together over Zoom. I also learned an enormous lot from the speech of the noble Lord, Lord Winston. I found it really fascinating. Today, we have seen Parliament at its best in dealing with the Committee stage of a Bill.

I want to make three points. First, we have to remember that drafting Bills should not be left just to civil servants. Clearly, government and we in Parliament decide on the wording of a Bill. As the noble Lord, Lord Balfe, said, the drafters have got it very wrong here and it needs to be looked at. I hope that the review, which I presume the noble Lord, Lord True, will talk about in his summing up, will look at some of that and at how we can get this right in the future.

Secondly, I genuinely hope that the Government will now use this as an opportunity to start challenging those who have been attacking women and will speak up for the protection of women’s rights based on sex. That is absolutely crucial. There has been too much silence from both the Government and the Opposition, and it is very important that that message goes out today.

Finally, we in Parliament and in your Lordships’ House have today sent out a very clear message to women in the country that we will defend their rights and speak out. As the noble Baroness, Lady Fox of Buckley, said, we are in a special position and must speak out when sometimes others are afraid to do so.

For me, as a fairly new Member of your Lordships’ House, this has been a wonderful exercise in working together. The cross-party nature of that work has proved successful. I hope that we can continue that because, as has been said very clearly, this is only the beginning of this very important issue, and I hope that the Government will have learned from it. I thank the noble Lord, Lord True, and look forward to hearing from him about the review, because that is very important; it cannot just end here today.

Lord Lilley (Con): My Lords, it is a great pleasure and privilege to follow the noble Baroness, Lady Hoey, whose constituent I used to be when I lived in Vauxhall. As three previous speakers mentioned their Tottenham connection, I should mention that, rather than fight the noble Baroness, Lady Hoey, I stood as the candidate in Tottenham. I fought Tottenham, and Tottenham fought back.

If I may, I will rattle through my congratulations. First, I congratulate the Attorney-General, whose forthcoming happy event has given rise to this debate. Secondly, I congratulate my noble friend the Minister,

[LORD LILLEY]

whose good sense, patience and quiet determination have brought about this change. Thirdly, I congratulate my noble friend Lady Noakes, whose brilliant leadership and eloquence have infused this whole debate and raised its tone.

Fourthly, I congratulate all the speakers at Second Reading, in which I did not take part. They showed what is best about this House—how it can be a revising Chamber where party allegiances are secondary to the determination to get things right, and thank heavens they did get things right. It would have been deplorable if we, as a revising Chamber, could not even revise a Bill whose original wording did not make sense.

Why does it matter? I was taught as a child “Sticks and stones may hurt your bones but words will never hurt you”, but this is not about insults. It is not even primarily about the rights of women and transgender people; it is about the control of language. Totalitarians of all stripes know that controlling language is a crucial step in gaining control of society. If you determine the vocabulary, you often determine how people think. Orwell spelled it out in *Nineteen Eighty-Four*. He said that

“the whole aim of Newspeak is to narrow the range of thought. In the end we shall make thoughtcrime literally impossible, because there will be no words in which to express it.”

That, of course, is part of what is happening.

Incidentally, I do not think that the agenda being pursued by those seeking to control our vocabulary is driven by any sympathy for transgender people. On the contrary, it seeks to use trans people as shock troops in pursuit of an extreme form of egalitarianism which aims not to give equal rights to all of us, despite our manifest and manifold differences, but instead to deny the existence of those differences.

Happily, today that agenda has been rolled back. I hope that we have sent a message to those in the Cabinet Office and those who draft legislation in the future that will be as clear and robust as a message that was sent—as I discovered when I was responsible for Customs and Excise—by the Commissioners of Customs and Excise back in 1865 to a hapless clerk whose wording they did not like. They wrote:

“The Commission observe that you make use of many affected phrases and incongruous words ... all of which you use in a sense the words do not bear. I am ordered to acquaint you that if you hereafter continue in that ... way of writing and to murder the language in such a manner, you will be discharged for a fool.”

I hope that that message has hit home loud and clear today from this Chamber.

Baroness Deech (CB) [V]: My Lords—or, taking a cue from the noble Lord, Lord Triesman, how long will it be before I ought to say “My peers”?—these amendments are less about maternity leave, although even that word is now suspect, than they are about the proper use of language to reflect and protect those to whom it refers, some of whom have a special status within the law. If I can cut straight to the solution, it is this. The Interpretation Act 1978 says that

“words importing the feminine gender include the masculine”, so if the words “mother” or “woman” are used in this Bill, which incidentally and memorably Joshua Rozenberg has referred to as the “Suella Braverperson Bill”, an individual trans person—a man who had given birth—

would be covered by the words “woman” or “mother” in the same way that allowances granted to men in other areas of the law include women in their remit. So there is no reason why “woman” should not be used, although I accept that there is a consensus around “mother”.

As drafted, the word “person”—as distinct from “woman”—in this Bill could only be of application to a person born a woman who transitions, gives birth, is a Minister, seeks maternity leave and is bothered about terminology. This number is too small to count. Set against that the worldwide population of women who feel that obliteration of their being is offensive. Human rights organisations have called for the retention of gender-specific language in law because, by neutralising the language, the actual issue is also neutralised. The international NGO Plan International, writing about the needs of girls and women, calls for their protection to be maintained by using the right terminology. It may not be true of women in this House or country, but the status of many women around the world as mothers and child-bearers is all-important and must not be overlooked.

Going wider than the Bill, the use of neutral language is confusing, as has been said, for those who have little command of the English language. In health situations, one risks not reaching them by using phrases such as “persons with cervixes”, “menstruators” and “persons with vaginas”. How would noble persons, otherwise known as noble Lords, like to be referred to in health communications as “persons with prostates” or “sperm producers”? As for the threat to free speech, I assure the noble Lord, Lord Wallace, that it certainly exists: if you try talking at UCL, KCL, Warwick and many other universities, including Cambridge, about Zionism, Israel, Jews, genetics or social mobility, you will be shut down.

Existing law is entirely in favour of retaining the words “mother” or “woman”. The McConnell case was about a man who started IVF treatment just six days after obtaining his gender recognition certificate, which was granted because he had made a declaration that he intended to continue to live as a man until death. He had not had a hysterectomy in part because, reportedly, he had not ruled out the possibility of having children. Section 12 of the Gender Recognition Act says that the status of a person as

“the father or mother of a child”

is not affected by the acquisition of a gender under that Act—so the court ruled that it was correct to list the man as the mother of his baby on the birth certificate, having regard to the rights and welfare of the child. As such, in this Bill we can speak of “mother” without in any way limiting the status of a trans person in a new gender.

Other laws confirm this. Section 33 of the Human Fertilisation and Embryology Act 2008 defines a mother as:

“The woman who is carrying or has carried a child”.

The Equality Act 2010 refers repeatedly to “man” and “woman”, “male” and “female”. In Section 13, it says that a “protected characteristic” includes a woman who is breastfeeding and that, when a man is treated differently and might regard that as discrimination, “no account is to be taken of special treatment afforded to a woman in connection with pregnancy or childbirth.”

Section 60 of the Immigration Act 2016 prevents the “detention of pregnant women”. Regulation 12 of the Civil Partnership (Opposite-sex Couples) Regulations 2019 refers to

“a child born to a woman during her civil partnership with a man.”

As such, by supporting these amendments, let us reinforce clarity, precision and dignity in language, preserve the special status of women in childbearing and motherhood, follow precedent and simply show some common sense. I thank the noble person, Lord True, for all that he has done in this respect, and I hope that he does not get trolled. I commend these amendments to your persons’ House.

The Deputy Chairman of Committees (Lord Faulkner of Worcester) (Lab): I am not sure whether the next speaker, the noble Lord, Lord Dobbs, is able to join us.

Lord Dobbs (Con) [V]: My Lords, yes, but my IT connection has been playing up and is weak. I note the lateness of the hour, coming at the end of so many fine speeches. I have listened to them and been inspired and educated; I very much agreed with so much of what has been said. I also laughed at times. It has been an extraordinarily good debate but at this late stage in these proceedings, almost everything that I wanted to say has been said—though not by me.

As such, I say simply that I would have voted for both amendments. But since we are not going to vote, I will simply thank those responsible for what has been an excellent day in this House: my noble friends Lady Nicholson, Lady Noakes and Lord Lucas, the noble Lord, Lord Hunt of Kings Heath, and almost everyone else concerned with this debate. Most of all, I thank my noble friend Lord True, whose heart is always in the right place and whose mind always works so deftly and wonderfully well on our behalf, and clearly in this situation. What follows will be far more important than anything I can say, so this has simply been a very good day for the House of Lords, and an even better day for women and mothers.

4.45 pm

Baroness Brinton (LD) [V]: My Lords, this afternoon, we have heard once again from many noble Lords who are concerned about erasing women through the use of gender-neutral language. However, as liberals, we remain of the view that wording that excludes or removes the rights of any one group in favour of another is a problem.

The noble Lord, Lord Hunt, talked about the rights of one group conflicting with another, but the compromise that his Government and successive Governments have reached shows that gender-neutral language does not do this. That is why it was used: to avoid excluding certain groups. The noble Lord, Lord Triesman, made some important points about our own use of language in this House, and I am grateful for his final comments, in which he expressed concerns for trans people and the poor census officials.

I am deeply sorry for anyone receiving abuse on social media. We on this side of the argument, including myself, have been on the receiving end of some over the last few days, but nothing like as much or as

horrible as that which I know that my noble friend Lady Barker and others receive on a regular basis. I agree with the noble Baroness, Lady Hayman; there is an important issue there about our society and its use of social media. The Prime Minister spoke about finding some protection for MPs, especially women and BAME MPs, from this hate-filled abuse. I hope that he will extend that more widely when the online harms Bill starts its legislative journey.

The reality of this change in language in this Bill is that some people, perhaps very few in number, will be affected. I was very moved by the speech of my noble friend Lady Barker; she is right that the law is there to protect all members of our society. Over the years, equal rights have been granted to the nine protected characteristics because they need protecting, not least against those parts of society that not only do not understand them but may even want to do them harm. I note that our trans community is at extremely high risk of being victims of domestic abuse and violence.

As a woman who campaigned for women’s rights over many years and joined the “Reclaim the Night” marches in my student days, I could certainly not support language that I felt totally excluded women, but I just do not believe this to be the case. For all the reasons that my noble friend Lady Barker has outlined, we now risk impacting the rights of trans men and non-binary and intersex people through the revised language.

I am, and will always be, happy—even proud—to be referred to as a mother. However, if I were Freddy McConnell’s mother, I would want to respect his wishes and refer to him as a father to my grandchild because, legally, he is recognised as a man. It is factually incorrect, as the noble Baroness, Lady Meyer, has asserted today, to suggest that only women can become pregnant. It has been legally recognised that men and non-binary and intersex people can also get pregnant, so it is vital that the Bill is fit for this purpose and can function in a real-world context. The only way to achieve this would have been for the Bill to retain its original drafting and to refer to “person”.

On Monday, the noble Lord, Lord Pannick, referred to Mr McConnell’s case, where a trans man who had gained legal recognition as a man became pregnant and then gave birth to a child. Mr McConnell specifically objected to being recorded as the mother on the child’s birth certificate. It is worth looking at this case to understand the potential consequences of changing the wording from gender-neutral language, given that many noble Lords have referred to the contribution of the noble Lord, Lord Pannick.

The case was heard first by the High Court, then the Court of Appeal. It is worthy of note that both courts found that the rights of the child are paramount—so they should be—and that Mr McConnell was legally male, and socially and psychologically the father of the child. The case revolved on how the parent who gives birth to the child should be registered. Society and science continue to develop, so terminology used when laws were drafted and enacted may be superseded by scientific or social progress.

Their court ruling applied to the case before them, but Parliament could legitimately take an informed view and change the policy on registering births. The

[BARONESS BRINTON]

language that the Government currently use for registering births requires Mr McConnell to be identified as the mother of the child for that purpose. The mechanism was for a legitimate aim and the process was a proportionate means of accomplishing it.

The Bill before this House relates to benefits accruing to those who give birth, not to registering births, and extending those benefits to government Ministers and some opposition spokespeople who currently do not have them. Let me say that again: it does not deal with the registration of births. The process for the registration of births is not proposed to change under the Bill; I am concerned that the noble Lord, Lord Pannick, drew the conclusion that an issue relating to the law on birth registration certificates can have a direct read-across beyond that narrow matter.

The judges in the original case and the appeal recognised that this was complex and, importantly for this House and another place, that Parliament had not dealt well with all the issues it should have done in the past. Us trying to do so in what amounts to two working days in your Lordships' Chamber in one week—and at very short notice—means that there are risks and problems.

The law should deal practically with how our society currently works. We know that people who are legally male can give birth, due to advances in medical science as well as the law. While some may find this baffling or even immoral, the reality is that it is legal and it happens. The scope of the Bill does not extend to either legal gender recognition or restrictions on fertilisation and embryology.

Changing the language on birth certificates would resolve a number of these issues, which is where discussions were beginning to go when things were calm and the language warriors had not got started. That was actually prompted by the changes to marriage certificates during the enactment of the Marriage (Same Sex Couples) Act 2013, but this would require changes to statute law and is clearly not feasible now.

However, as the courts made clear in this case, this remains a political issue. If Parliament wants to persist in using gender-neutral language because trans men, non-binary and intersex people can give birth while living as men, there is absolutely no reason why Parliament should not ensure that the legislation does so. Doing so does not erase women giving birth and being called mothers.

I want to end by asking those who have proposed and succeeded with their amendments today whether, in their congratulations to one another on their success, they will undertake to help to protect the rights of our LGBT community, many of whom have felt a very chill wind in our United Kingdom today. As my noble friend Lord Wallace of Saltire commented, given the threat that LGBT people face in Poland, Hungary and some of the Baltic states at the moment, we need to protect their human rights. I particularly thank the noble Baroness, Lady Goudie, for her comments in support of the trans community.

From these Benches, we are proud to stand up for the LGBT community, but we are also proud to support the Bill because it starts to give Ministers and opposition spokespeople some, though not all, of the maternity and parental rights that they deserve.

Baroness Hayman of Ullock (Lab) [V]: My Lords, I thank all noble Lords who spoke in the debate. Many amendments have been laid before us for consideration. I will keep my remarks brief.

There may be many amendments in this grouping but they all have exactly the same concern: that of the language used, particularly the use of “person”. As has been pointed out many times, this is at odds with other legislation covering maternity rights and protections—including the Equality Act 2010, which we now know uses “her” and “woman” specifically. Noble Lords have said that they cannot understand why “woman” can be in the Explanatory Notes but not in the Bill. The concerns expressed by Members from all sides of your Lordships' House, both at Second Reading and today, could not be plainer.

In introducing his amendment, the noble Lord, Lord Lucas, was clear that “mother” is properly understood in statute and should therefore be used in the Bill rather than “person”. My noble friend Lord Hunt of Kings Heath talked about the importance of using language that respects women and the need to support them. We must strive for rights and true equality for all members of our society. My noble friend Lord Winston spoke today, as he did at Second Reading, about the important but sometimes difficult area of understanding what we mean by “gender” and “sexuality”.

It is clear that noble Lords support the Bill's aims, and that maternity leave will be available to the Attorney-General shortly and to other Ministers in future, but, as has become extremely clear, language is very important. I know that the Minister has been generous with his time in listening to noble Lords' concerns about the language used in this Bill. Clearly, he has listened and appreciates the depth of feeling among many Members of your Lordships' House, with his acceptance on the Government's behalf of the amendment in the name of the noble Lord, Lord Lucas, and my noble friend Lord Winston.

Today, many noble Lords welcomed the statement made by the Minister at the beginning of the debate and thanked him for his remarks. However, as I said, it really is a shame that the Government did not give the Bill—a Bill with such importance for women parliamentarians, and which has the potential to encourage more young women to join us and take up a parliamentary career—more detailed consideration in the first place. Many changes could still be made to improve the Bill; we look forward to working with the Government in the near future to make these further, much-needed improvements.

I end by wishing the Attorney-General and her family all the very best.

Lord True (Con): My Lords, this has been an interesting and thought-provoking debate—as indeed it was at Second Reading earlier this week. I find it increasingly difficult to recognise myself in the mirror in the mornings; I found it similarly difficult to recognise myself listening to some of the things said about me in this debate.

A noble Lord: It won't last.

Lord True (Con): Let me say in that respect that being a Minister of the Crown is a high honour but duties come with it. The first is to answer to Parliament

and your Lordships' House, and to carry out faithfully the collective agreed policies of the Government. For all the kind words that people have said about me—I am grateful, of course—the noble Baroness, Lady Hayman of Ullock, put her finger on it when she just spoke: I am here in this debate merely as the voice of the Government, and it must be heard peradventure that the proposals and points I make are not my ideas but the considered and settled position of Her Majesty's Government.

I thank each noble Lord who spoke. Of course, I was struck by the passion with which everyone spoke on these issues, from whatever perspective. Again, I agree with all that was said about tolerance and humanity. I have nothing to add to what I said on that subject at the outset of my response at Second Reading.

Some of the subjects we have touched on elicit particularly strong views. I am grateful for and endorse what was said about the importance of respect and sensitivity, which have been shown by all your Lordships as we have debated the Bill and the complex issues that have arisen from it.

The Government have been clear throughout the debates on this Bill, both in your Lordships' House and the other place, that it is an important step forward—a step, but not a complete step—in at last making provision for Ministers who become mothers to take paid maternity leave. I would not want us to lose sight of that, or—as the noble Baroness, Lady Hayman of Ullock, just said—the important message that it should send about participation in public life by women.

5 pm

The Bill will end the wholly unacceptable situation where a pregnant woman would have to resign from Cabinet in order to recover from childbirth and care for her newborn child. It is long overdue. I repeat my thanks to the Opposition Front Bench for their constructive support all through. I am pleased that through the Bill we will be able to make similar maternity leave provision for Opposition officeholders, which is also long overdue.

Throughout the passage of the Bill, we have recognised and sought to respond to the strength of feeling on several issues, none more so of course than the use of language in its drafting, which has occupied many of your Lordships today. I will obviously address that, along with some of the other points raised in the debate.

I turn, first, to the core amendments. I have already set out the Government's position on the amendments laid by my noble friend Lord Lucas and that the Government will support those amendments if he moves them. I was also asked to clarify the Government's position on the interaction between these amendments and those tabled in the name of the noble Lord, Lord Hunt, whom I thank for the way in which he spoke and his appreciation of the Government's position. The amendments tabled in the names of the noble Lord, Lord Hunt, and my noble friend Lord Lucas seek to amend the same parts of the Bill. This House clearly cannot accept both sets. The Government have indicated that they will accept those tabled in the names of my noble friend Lord Lucas and the noble Lord, Lord Winston.

As I have said, the Government accept that the approach to the drafting of the Bill set out in my noble friend's amendments would be legally acceptable and that the intention and meaning of the Bill would be unaffected by such a change. It continues to be the Government's view that the terminology of "mother" is preferable in a Bill that is about maternity leave and is, as a number of noble Lords have also argued, more inclusive. I am grateful to the noble Lord, Lord Hunt, for intimating that he will not press his alternative amendment.

On the amendments in the name of my noble friend Lord Lucas—Amendments 1, 3, 5, 7, 10, 11, 14, 16, 18, 20, 22, 24, 26, 28 and 30 for the record, so that there is no doubt which the Government are speaking of—I indicated the Government's position earlier in the debate and I reiterate those points. For the reasons that I set out earlier, we are prepared to accept the amendments. The Government do not take such a decision lightly, but do so recognising the strength of feeling in this Chamber and beyond on this matter. The amendments do not interfere with the core aim of the Bill. They allow us to focus on the positive step forward that this Bill represents and to move swiftly to Royal Assent, thereby enabling Ministers to go on paid maternity leave now for the first time on a statutory basis. Again, if my noble friend Lord Lucas presses his amendments, the Government will support him.

Many speakers obviously raised questions of language and drafting. Our debates in this House have shown that the use of language is a complex and important issue, arousing strong feelings on all sides of the Chamber. It is an issue that warrants proper consideration such that we can arrive at a durable, well-supported approach that can be applied, as many have argued, to future legislation.

Let me say more about how the Government propose to consider these matters outside the passage of the Bill. In the light of the concerns raised in your Lordships' House, the Government will review their approach to this matter. The review will explore the various approaches to drafting legislation on subjects that prompt these questions around language. As in this Bill, the most obvious area is legislation relating to pregnancy or childbirth, but there will be other related subjects where similar issues arise for the drafting. The review will consider those as appropriate.

In the context of this review, we will of course also look closely at the point made by the noble Lord, Lord Pannick, at Second Reading regarding the use of "mother", given the ruling of the Court of Appeal to which he made reference—I listened also of course to the remarks of the noble Baroness, Lady Brinton. I believe that this can sometimes provide an appropriate solution, as in this Bill, but it is important that we ensure that all drafting approaches are properly thought through, as many noble Lords have argued, so that we can have full confidence that they could apply more broadly to future legislation. The Government will also look at the practices adopted by other English language legislatures. The conduct of the review will also be informed by Parliament's views on these matters, including the debates that we have had on this Bill. We all have an interest in these matters being

[LORD TRUE]

considered in a timely fashion so that any conclusions can be applied to legislation that may come before Parliament.

Several noble Lords asked whether Parliament could have a debate on this issue. As I stated previously, this would be a matter for the Chief Whips in both Houses. However, I would hope that it would be possible to facilitate a debate, subject to parliamentary time being available, when the review has concluded.

The Government have been clear throughout this debate that we must not countenance the erasure of women from our public discourse or our legislation. It is in this spirit that we will undertake the aforementioned review, guided by the point made by a number of your Lordships that we must not erode women from their rightful role in our society.

We do not propose that the review should revisit the 2007 decision to adopt inclusive drafting conventions more generally. As I said at Second Reading, whatever the concerns expressed in this debate, there has not been a call—even in this debate in your Lordships' House—for the wholesale overthrow of the drafting conventions used since 2007, when the Government moved away from, for example, using “he” to embrace women. As many noble Lords have acknowledged, that was seen as demeaning to women, and the Government continue to believe that change was right.

As part of listening to the debates on this Bill, I hope that the Government's commitment to review the language used in drafting our legislation will assuage some of the concerns in this area that noble Lords have spoken of, and does show our willingness to engage with Members of this House on this issue.

I want to confirm and underline what I said about the further work—it has not been much discussed today, though the noble Baroness, Lady Hayman, asked about it in winding up—seeking to resolve wider issues around parental leave relating to paternity, adoption, shared parental leave, absence for sickness and other reasons, as well as the question of unpaid roles, which I know is an issue of interest to Members of this House. As I said at Second Reading, that work will proceed. As I also said, we are in consultation and Her Majesty's Opposition will be kept fully informed on the development of the proposals in advance of publication. The Government will continue that work following the passage of this legislation, with a view to laying the report before Parliament as soon as it is practical to do so, and will in any event update Parliament before the Summer Recess. Although it has not attracted much attention today, I think that there is an underlying feeling in your Lordships' House that this is the first measure in a programme of improvement for women in political office. I reiterate that.

I was asked a very specific question by the noble and learned Lord, Lord Morris of Aberavon, who raised again the Law Officers Act 1997. I am sorry—it is a frailty in me—if the noble and learned Lord was displeased by my remarks on Monday. I actually agree with him that, by virtue of that legislation, the functions of the Attorney-General can be exercised by the Solicitor-General; that is absolutely right and the Government agree with him. However, the point I made on Monday

is that, when it is a planned, ongoing leave of absence over an extended period, as is the case with maternity leave, it is important that the position of Attorney-General as the chief legal adviser to the Crown is occupied alongside the Solicitor-General, which is an important office in its own right. I am sure that, on reflection, the noble and learned Lord would agree that it would be asking a lot of the Solicitor-General to do the work of two people for six months.

In conclusion, I thank all those who have spoken in the debate for having done so with clarity, dignity and conviction. I hope that all have recognised that the Government have listened to what has been said today and that they are willing to engage with the House on these matters going forward. The Government would have preferred for the Bill to pass through your Lordships' House unamended, but as always it is for your Lordships to decide whether that is to be the case. Now that this matter is close to being resolved, we are keen to ensure that the Bill is sent to the other place swiftly for their consideration so that my right honourable friend the Attorney-General can go on maternity leave safe in the knowledge that the security the Bill provides to Ministers seeking to go on maternity leave is available for her benefit as soon as possible.

Therefore, as I stated previously, if it be the will of the House, my noble friend Lord Lucas having moved his amendments, the Government are content, following the debates and the consultations which we have had—for which I have been profoundly grateful—to send the Bill back with Clauses 1 to 3 amended to replace “person” with “mother or expectant mother” where appropriate, as proposed by my noble friend Lord Lucas. I am therefore grateful to noble Lords who have tabled other amendments for indicating their intention not to move their amendments to ensure that we can collectively achieve that aim.

Lord Lucas (Con) [V]: My Lords, I am most grateful to my noble friend Lord True, to all his colleagues in Government and to the officials in his team for their decision to support my amendments. It has been a most particular pleasure to be part of the diverse group of Peers that brought these amendments forward. This is, as many noble Lords have said, the beginning of a process—the next step forward in the equality of women.

Along with my noble friend Lady Altmann, I can look back at the City in the 1970s and discussions as to whether we would be taken seriously as advisers if we fielded a woman in the team. One memorable morning, we boys tipped up in our red braces, full of confidence. Our principal opponent was a woman, and she wiped the floor with us. That answered the question for us. One of the pleasures of this House is that the woman concerned is now my noble friend Lady O'Cathain.

We are currently faced with a full-on attack on women's sex-based rights—a misogynistic and bullying campaign which seeks to diminish women's rights in the name of the rights of trans people. Trans people are an entirely natural and expected part of the human family. The explanations of the noble Lord, Lord Winston, of the complications of our biology makes that quite clear. It is also clear that we have a great deal

to do as politicians in making space in the way the world is run for the needs of trans people and in removing discrimination and hateful behaviour towards them. Many who have spoken today have played their part in that. However, the same strictures apply to women, and there are rather more of them. To my mind, the way forward in advancing both trans people and women lies in conversation and in men doing a large part of the giving way.

I thank the noble Baroness, Lady Barker, for her willingness to engage with her usual courage and clarity. We need openness, listening and honest exploration. It may start out as a rough process—as she notes, it is a bruising world out there on Twitter, on both sides—and there are some fundamental confusions of language in the area of sex and gender that need sorting out. I believe, however, that a committed conversation, such as, I hope, the promised review will enable, will get us to a set of arrangements that is congenial to almost all. I beg to move Amendment 1.

Amendment 1 agreed.

Amendment 2 not moved.

5.15 pm

Amendment 3

Moved by Lord Lucas [V]

3: Clause 1, page 1, line 5, leave out “person” and insert “mother or expectant mother”

Amendment 3 agreed.

Amendment 4 not moved.

Amendment 5

Moved by Lord Lucas [V]

5: Clause 1, page 1, line 6, leave out “person” and insert “mother or expectant mother”

Amendment 5 agreed.

Amendment 6 not moved.

Amendment 7

Moved by Lord Lucas [V]

7: Clause 1, page 1, line 8, leave out “person” and insert “mother or expectant mother”

Amendment 7 agreed.

Amendments 8 and 9 not moved.

Amendments 10 and 11

Moved by Lord Lucas [V]

10: Clause 1, page 1, line 14, leave out “person is pregnant and it is no more than” and insert “expectant mother is within”

11: Clause 1, page 1, line 16, leave out “person” and insert “mother”

Amendments 10 and 11 agreed.

Amendments 12 and 13 not moved.

Amendment 14

Moved by Lord Lucas [V]

14: Clause 1, page 2, line 3, leave out “person” and insert “mother or expectant mother”

Amendment 14 agreed.

Amendment 15 not moved.

Clause 1, as amended, agreed.

Clause 2: Ministerial leave: amount and payment of allowance

Amendment 16

Moved by Lord Lucas [V]

16: Clause 2, page 2, line 8, leave out “person” and insert “mother or expectant mother”

Amendment 16 agreed.

Amendment 17 not moved.

Amendment 18

Moved by Lord Lucas [V]

18: Clause 2, page 2, line 13, leave out “person” and insert “mother or expectant mother”

Amendment 18 agreed.

Amendment 19 not moved.

Amendment 20

Moved by Lord Lucas [V]

20: Clause 2, page 2, line 16, leave out “person” and insert “mother or expectant mother”

Amendment 20 agreed.

Amendment 21 not moved.

Clause 2, as amended, agreed.

Clause 3: Ministerial leave: other provision

Amendment 22

Moved by Lord Lucas [V]

22: Clause 3, page 2, line 34, leave out “person” and insert “mother”

Amendment 22 agreed.

Amendment 23 not moved.

Amendment 24

Moved by Lord Lucas [V]

24: Clause 3, page 2, line 35, leave out “person” and insert “mother”

Amendment 24 agreed.

Amendment 25 not moved.

*Amendment 26**Moved by Lord Lucas [V]*

26: Clause 3, page 2, line 41, leave out “person” and insert “mother or expectant mother”

Amendment 26 agreed.

Amendment 27 not moved.

*Amendment 28**Moved by Lord Lucas [V]*

28: Clause 3, page 3, line 2, leave out “person” and insert “mother or expectant mother”

Amendment 28 agreed.

Amendment 29 not moved.

*Amendment 30**Moved by Lord Lucas [V]*

30: Clause 3, page 3, line 3, leave out “person” and insert “mother or expectant mother”

Amendment 30 agreed.

Amendment 31 not moved.

Clause 3, as amended, agreed.

Clauses 4 to 6 agreed.

The Deputy Chairman of Committees (Baroness Henig) (Lab): We now come to the group consisting of Amendment 32. Anyone wishing to press this amendment to a Division must make that clear in debate.

*Amendment 32**Tabled by Lord Cormack [V]*

32: After Clause 6, insert the following new Clause—
“Contingency provision

If any Minister or Opposition office-holder who would otherwise be covered by this Act gives birth after 22 February 2021 but before this Act is passed, she is eligible for the benefits set out herein.”

Lord Cormack (Con) [V]: I will be half a minute. I tabled this amendment in order to help the Government in general and the Attorney-General in particular when there were noises abroad that her pregnancy was far advanced. It is unfortunate when we have to take legislation so quickly and, save in real emergencies—and this is not one—I wish that both Houses had a little more time. The amendment would have enabled that. However, I am delighted at the way in which things have gone this afternoon and, therefore, although I do not wish to silence anyone who is down to speak, I should say that I have no intention of putting this to a Division.

The Deputy Chairman of Committees (Baroness Henig) (Lab): Amendment not moved, Lord Cormack?

Lord Cormack (Con) [V]: Yes, I am happy with that.

The Deputy Chairman of Committees (Baroness Henig) (Lab): In which case, no further speakers can speak on the amendment.

Amendment 32 not moved.

Clause 7 agreed.

House resumed.

Bill reported with amendments. Report and Third Reading agreed without debate.

5.23 pm

*Motion**Moved by Lord True*

That the Bill do now pass.

Lord True (Con): My Lords, this is not the occasion for another lengthy intervention, but I of course express my gratitude to speakers from all sides during the course of the Bill and to all those who have had the opportunity to talk to whatever their views are throughout its passage. It has contributed to a good outcome and all who have spoken have done so with sensitivity and clarity.

I also thank the officials and all those who worked tirelessly on the Bill: my private office, the Bill team, Cabinet Office legal advisers, the drafters and the Office of the Parliamentary Counsel, and all others who have provided me and, more importantly, us all in the House of Lords with the support necessary to respond so ably to the challenging questions that your Lordships posed throughout the Bill’s passage.

On behalf of all of us, I end where I began—with good wishes to my right honourable friend the Attorney-General on her forthcoming child. It seems to be a baby that has provided almost as much occasion for debate in Parliament as any since 1688. I wish the child and mother profoundly well, and for the child a long, happy and prosperous life. I hope we can now move on with the process of reform that the Bill brings.

Baroness Hayter of Kentish Town (Lab): My Lords, I can be very brief because a lot of thanks have already happened. I start with the same thanks to the Attorney-General for starting us off on this. I perhaps should not say this, but I doubt that this was the thing in her mind nine months ago when the Bill was triggered. However, where we have got to is very good. I hope we will see the report in due course, as my noble friend Lady Goudie and others said.

I thank the Bill team—I bet they have never had to do one quite like this, with the last-minute adjustments. It is good of them.

I will say personal thanks to my noble friend Lady Hayman of Ullock for the first of her outings on a Bill. I told her it would be simple and short; she will not believe me again.

I thank the Minister. I know it is not good for his career to have thanks from me, but he will just have to put up with that. He really has listened. He has taken time with us and done so with great courtesy and charm. Most importantly, he has made movement.

I thank the House for what it has done. I think it was the noble Lord, Lord Dobbs, who said that it has been a good day in the House of Lords. I agree.

Bill passed and returned to the Commons with amendments.

House adjourned at 5.27 pm.