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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

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In Hybrid sittings, [V] after a Member's name indicates that they contributed by video call.

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 March 2021

The House met in a hybrid proceeding.

Noon

Prayers—read by the Lord Bishop of Newcastle.

Introduction: Baroness Blake of Leeds

12.07 pm

Judith Blake, CBE, having been created Baroness Blake of Leeds, of Gledhow in the City of Leeds, was introduced and made the solemn affirmation, supported by Lord Kennedy of Southwark and Lord Blunkett, and signed an undertaking to abide by the Code of Conduct.

Arrangement of Business

Announcement

12.12 pm

The Lord Speaker (Lord Fowler): My Lords, the Hybrid Sitting of the House will now begin. Some Members are here in the Chamber and others are participating remotely, but all Members will be treated equally. Oral Questions will now commence. Please can those asking supplementary questions keep them brief and confined to two points? I ask that Ministers' answers are also brief.

Bahrain: Human Rights Abuses

Question

12.12 pm

Asked by Lord Scriven

To ask Her Majesty's Government what evidence they have, if any, that the number of human rights abuses in Bahrain has declined in the last two years; and what assessment they have made of the impact of their Integrated Activity Fund on human rights in that country.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con) [V]: My Lords, as outlined in the 2020 FCDO *Human Rights and Democracy* report, the UK recognises the challenges that remain in Bahrain. However, along with many international partners, it is our firm belief that, with a calibrated approach to co-operation, we can influence and support positive reform. Change takes time but recent developments in Bahrain, such as the ratification of the corrective justice law for children and the use of alternative sentencing, demonstrate that progress is being made.

Lord Scriven (LD): My Lords, the death sentence retrial of Mohamed Ramadan and Hussain Moosa has been termed "critically flawed" by the International

Rehabilitation Council for Torture Victims, as it relied on a Special Investigations Unit investigation that did not meet international standards. Will the Minister stop the shameful defence of the SIU, which does nothing more than whitewash Bahrain's existing human rights situation?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, we—the Minister for the Middle East and I—and the Government are fully aware of the cases that the noble Lord referred to; indeed, we have engaged outside the Chamber on this very issue. As the noble Lord will be aware, the death sentence must be ratified by His Majesty the King of Bahrain. The UK continues to follow this case closely. We have raised the matter repeatedly with the Government of Bahrain and will continue to do so, both in public and privately.

Lord Collins of Highbury (Lab): My Lords, I recently raised with the Minister that Bahrain had detained 13 children, including the seriously ill Sayed Hasan Ameen. In a Written Answer, James Cleverly painted these children as criminals without addressing human rights concerns. BIRD and Human Rights Watch revealed that these children were subjected to physical abuse to coerce their confessions and that Sayed was detained for eight days without vital medication. Despite these findings from credible rights organisations, is the Minister really satisfied with the assurances from Bahrain on their treatment and that medical care was provided?

Lord Ahmad of Wimbledon (Con) [V]: I assure the noble Lord that we take this case, as well as any other case, very seriously. We raise these issues directly with the Bahrainis. We should also recognise that progress has been made. I mentioned in my earlier Answer the corrective justice law for children, which will ensure special courts for children, alternative sentencing and rehabilitation. I believe that this brings a positive focus on individual cases. I deal directly with Amnesty International and Human Rights Watch; I raise any cases raised in those meetings directly with the Bahraini authorities.

Baroness Warsi (Con) [V]: [*Inaudible.*]

The Earl of Courtown (Con): Could the noble Baroness be unmuted, please?

The Lord Speaker (Lord Fowler): The noble Baroness is muted and we cannot hear her. We will have to move on to the noble Baroness, Lady Northover.

Baroness Northover (LD): My Lords, far from what the Minister has said about progress, Amnesty International, Human Rights Watch and the UN have all concluded that human rights abuses have been getting worse in Bahrain over the past few years. So why do the Government still fund training for organisations in Bahrain that are implicated in human rights abuses, such as the Special Investigations Unit?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, through the technical support that the United Kingdom provides, we have seen real progress on a broad range

[LORD AHMAD OF WIMBLEDON]
of human rights issues. I have referred to the reforms on children, the unified family law, alternative punishments for adults and the creation of oversight bodies. Of course, I do not for a moment accept that the job is done. We continue to work constructively, and I believe that this is paying dividends, and will continue to do so.

Lord Polak (Con): My Lords, the recent publication of the second edition of the *Human Rights and Democracy* report by the embassy of Bahrain is progress. Together with the amazing, life-saving, UK-like vaccine rollout and being a cornerstone and founding member of the Abraham Accords with the UAE and Israel, it is real progress. In acknowledging that there is still much more to be done, does my noble friend agree that it seems clear that Bahrain is travelling on the right road?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, suffice to say that I totally agree with my noble friend. We are seeing progress but there is more to be done, and we are working constructively and engaging with Bahrain on this important agenda.

Lord Mann (Non-Afl): At the start of the 2022 Qatar football World Cup campaign last night, Norwegian players protested about workers' rights in Qatar. Considering that some of the matches may have to be scheduled in Bahrain because of the increasing size of the World Cup finals, have our representatives in Bahrain made an assessment of the situation on workers' rights in the country yet?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, we have raised this issue directly and seen real progress. When it comes to migrant workers, for example, Bahrain achieved tier 1 status, according to US State Department reports. Indeed, it convened a cross-government meeting on this very issue—the first such one in the Middle East. On vaccines, as raised by my noble friend Lord Polak, we have seen direct distribution and access to vaccines for migrant workers so, again, progress on this front is being made directly in Bahrain.

Lord Jones of Cheltenham (LD) [V]: Will the Government advise the Bahrain authorities that the best way for them to win friends is to train all their security officers to behave like human beings, and to abolish the barbaric death penalty, as the state of Virginia did yesterday?

Lord Ahmad of Wimbledon (Con) [V]: We welcome the death penalty being abolished, and of course that remains the long-standing position of Her Majesty's Government. We continue to raise this globally with all partners.

Lord Bhatia (Non-Afl) [V]: My Lords, can we stop all exports to Bahrain as a way out of this big dilemma?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, I think that the noble Lord talked about stopping exports. I do not believe that that is the correct way forward. Bahrain is an important partner and, as we have seen

on this important yet sensitive agenda, there has been progress there. Being a critical and constructive friend is the way forward.

Lord McColl of Dulwich (Con) [V]: My Lords, the human rights violations in Bahrain are worrying, but does the Minister agree that the demands to cancel the Formula 1 race to be held there are not likely to help? Should we not be encouraging sporting activities between countries in trying to influence them to eliminate human rights violations?

Lord Ahmad of Wimbledon (Con) [V]: I agree with my noble friend's approach and, as the UK Human Rights Minister, that is exactly the approach I adopt.

Baroness Bennett of Manor Castle (GP) [V]: My Lords, following on from the last question, it appears that the Minister took a different approach in 2012, when he signed a letter to the *Times* that backed calls for Formula 1 not to race in Bahrain due to human rights violations connected to the races there. Now, almost 60 Members of both Houses of Parliament and more than 20 NGOs are calling on Formula 1 to establish an independent commission of inquiry to investigate human rights abuses linked to its races. Will the Minister now agree to support that call?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, the noble Baroness referred to a letter from several years ago. It is right that where we have concerns, we should raise them, and I align myself with that. However, we have seen real progress in Bahrain and we should recognise that, while remaining firm and resolute that we will continue to raise human rights concerns as and when they arise, as we do directly with Bahrain both in private and publicly.

Lord Lancaster of Kimbolton (Con): My Lords, I visited Bahrain on numerous occasions as a Defence Minister. Through that persistent engagement, I never hesitated to raise issues such as human rights, as a critical friend. I am pleased that the Gulf Integrated Activity Fund has been used to fund some of the independent human rights organisations in Bahrain, and we have, as my noble friend Lord Polak said, definitely seen progress, although more needs to be done. What has particularly impressed me from the UK perspective is the thoroughness of the OSJA process. Can my noble friend reassure me that the process is refreshed on a regular basis to ensure that our funding is not misused?

Lord Ahmad of Wimbledon (Con) [V]: I agree with my noble friend. My right honourable friend James Cleverly, who is the Minister for the Middle East, will do exactly that. We look at all funding not only to the Gulf but elsewhere to ensure that the standards we seek to achieve from those areas are met and that human rights remain paramount in our thinking and progress in this respect.

The Lord Speaker (Lord Fowler): The noble Baroness, Lady Warsi, is still with us and so I can ask her to speak now.

Baroness Warsi (Con) [V]: My Lords, I am grateful to the Lord Speaker. There is no doubt that Bahrain still has a mountain to climb on the issue of human rights. Can my noble friend outline what progress has been made specifically in the past few years and what the involvement of the UK has been in specific programmes to assist in bringing about change?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, it takes a great deal to mute my noble friend and I am glad that we have heard from her. As I have already articulated, we have seen the creation of the oversight bodies. The UK has provided technical support. We have seen alternative sentencing, where we have shared experience and insights; the Unified Family Law and the Corrective Justice Law for Children; and the great progress which has been made on migrants' rights. However, I reiterate that important work remains to be done. I know that this is a concern of many noble Lords and I will continue to engage with your Lordships' House and the other place to ensure that those concerns are expressed directly to the Government of Bahrain.

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

Child Trust Funds: Children with Learning Disabilities

Question

12.25 pm

Asked by **Lord Young of Cookham**

To ask Her Majesty's Government what progress they have made towards enabling children with learning disabilities to access their Child Trust Funds.

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Wolfson of Tredegar) (Con): My Lords, since my noble friend's last Question on this matter six weeks ago, I have met ministerial colleagues and Members of the other place. I have considered the legal issues that arise. I have also met the acting president and vice-president of the Court of Protection. While court processes are a matter for the judiciary, I have been assured that child trust funds and the application forms will be on the agenda of the next Civil Procedure Rules Committee meeting to be held on 20 April.

Lord Young of Cookham (Con): My Lords, I am grateful to my noble friend for his personal commitment to solving this problem, but he will understand my disappointment at his letter of 23 March, which says basically that no progress has been made since I raised this issue in January. Hollie Squire requires 24-hour care. Her mother Tammie is managing on £605 a month that Hollie gets from the DWP. If Tammie can be trusted with this money from the taxpayer, why can she not be trusted with Hollie's money from her own trust fund without complex and time-consuming court procedures?

Lord Wolfson of Tredegar (Con): My Lords, my noble friend raises a very good point. I can assure Tammie and Hollie Squire that it is not a question of trust. It is, I am afraid, a question of law. The DWP benefits appointee scheme applies only to benefits from the state and does not extend or apply to an individual's own assets. That legal position is governed by the Mental Capacity Act. I have to work within the confines of the Act, which is why I am working with the judiciary to make the legal route easier, cheaper and quicker.

Lord Wigley (PC) [V]: My Lords, I draw attention to my registered interest as vice-president of Mencap, which has been working with the MoJ on this issue. Can the Minister give the House an update on what progress the advisory group has made to date?

Lord Wolfson of Tredegar (Con): My Lords, the advisory group has been meeting not only organisations in the third sector such as Mencap but the financial providers. We have looked at a number of legal and regulatory issues. We believe that the way through this is by working with the Court of Protection. Quite properly, judges control the court and that is the way through to resolving this long-standing problem.

Baroness Altmann (Con): I do not envy my noble friend's position at this point. In the past he has said that the rules need to be appropriate, accessible and proportionate. Given the time it takes to access money that the child might have been waiting for, and that the parents of disabled children have so much to deal with, will my noble friend take back to the department the idea of adopting the change in law that was adopted for families whose children have life-threatening conditions in order to allow access to their own money in these circumstances? The industry itself, commendably, wants to help them with this.

Lord Wolfson of Tredegar (Con): My Lords, I am grateful to my noble friend. We have looked at the legislative options. Amending primary legislation is not likely to be quick or easy. However, I must emphasise that the rules of the Court of Protection are a matter for the judiciary, not the Government. We therefore have to work with the judiciary, which I know is committed to this issue. Indeed, the Court of Protection has been working hard during the pandemic to ensure that its business is kept up to date.

Baroness Finlay of Llandaff (CB) [V]: My Lords, I declare that I chair the National Mental Capacity Forum. The Mental Capacity Act aims to protect against exploitation and support decision-making, but Covid lockdowns have caused delays in the Court of Protection. How is the backlog of these financial cases being mitigated by digital processes to ensure that the welfare of a young person is appropriately safeguarded, in particular if they are in a care home or have other care arrangements?

Lord Wolfson of Tredegar (Con): My Lords, the noble Baroness is right that fundamentally this is about safeguarding the interests of the young person.

[LORD WOLFSON OF TREDEGAR]

On the Court of Protection, staff have been coming into the court throughout the pandemic to make sure that it can continue to function. They are putting in place new digital ways of working to streamline and simplify their processes and will ensure that there is as little administrative and procedural delay as possible.

Lord Touhig (Lab) [V]: My Lords, I declare my interest as a vice-president of the National Autistic Society. The needs of autistic youngsters differ: some lack capacity to make financial decisions, the capacity of others may fluctuate, but the need for parental support is vital. Yet the Mental Capacity Act code of practice says that family members should be appointed as welfare deputies in only the most difficult cases. This adds to the problem that parents of autistic youngsters have in accessing the child trust fund. Mr Justice Hayden in the High Court said that the wording of the guidance should be revisited; when are the Government going to do this?

Lord Wolfson of Tredegar (Con): My Lords, I am grateful to the noble Lord for referring to Mr Justice Hayden, with whom I have met and who I know is personally committed to resolving this. It is fair to say that our understanding of all sorts of mental capacity is considerably greater now than it was in 2005, when the Act was passed, and in 1995, when the Law Commission reported on this issue. We are therefore looking to address this.

Lord Addington (LD): My Lords, I thank the noble Lord, Lord Young, for bringing this to our attention and for his wonderful summary of that letter. If we agree that the money is for the children, and that they are capable of spending money in other situations, why have the Government not used the capacity of this Chamber and the other place to make sure that this happens?

Lord Wolfson of Tredegar (Con): My Lords, the position is this: in 1995, when the Law Commission reported on this, it recommended a small claims exception to the Mental Capacity Act. Parliament did not do that; it put in a Mental Capacity Act with no exceptions at all. That is the legislative background against which I now have to operate.

Lord Flight (Con): My Lords, increased legal requirements have made it ever more expensive to gain access to children's trust funds. The Government justify the extra costs as providing the necessary protection needed for those who lack the mental capacity to act for themselves. More straightforward and less expensive access paths to child trust funds are needed. Does the Minister agree that a more robust approach is now justified in dealing with the Mental Capacity Act?

Lord Wolfson of Tredegar (Con): My Lords, the short answer is yes. We have put in place mechanisms on fees to ensure that anybody applying to the Court of Protection, in respect of a child trust fund only, does not have to pay any fees. I know that the court is

looking at the forms to make sure that they are suitably accessible, so that one can fill them in and make an application without having to pay a solicitor.

Lord Ponsonby of Shulbrede (Lab) [V]: My Lords, the Minister last met The Investing and Savings Alliance some two months ago and, as far as I understand, there are no further dates in the diary. When will the Minister next meet The Investing and Savings Alliance?

Lord Wolfson of Tredegar (Con): My Lords, I am looking to arrange meetings with it, but have been working on the issues that it has raised in any event. In particular, I have looked at whether there is a trust law solution to the problem, but I am afraid that there is not. The route is to make sure that people can get applications through the Court of Protection as quickly and cheaply as possible. That involves the judiciary, which rightly controls the Court of Protection, and I am getting good engagement from the judiciary.

Baroness Wheatcroft (CB) [V]: My Lords, some providers of child trust funds are allowing parents access to them with other proof, without going through the procedures of the Mental Capacity Act. Can the Minister assure me and the House that those who offer such expedited help to parents or carers will not be subject to any sanctions?

Lord Wolfson of Tredegar (Con): My Lords, I cannot give that assurance because sanctions are not a matter for the Government; independent bodies are in place. Whether these industry providers are complying with the protections under the Mental Capacity Act is not something on which I can give an opinion. I am sure that they have looked at that issue. Ultimately, the Mental Capacity Act is there to protect vulnerable people.

Lord Vaizey of Didcot (Con): I declare my interest in the register of interests from working with The Investing and Savings Alliance. I pay tribute to my noble friend Lord Young for his assiduousness on this and to my noble friend Lord Wolfson for the way that he is gripping this issue. In the absence of a legislative solution, there has to be a practical one. The Government Digital Service has a mantra: "What is the user need?" Simpler forms and no fees—we can get a lot done without legislation.

Lord Wolfson of Tredegar (Con): My Lords, with respect, I agree. No fees are in my bailiwick; we have done that. Simpler forms are in the judiciary's bailiwick; I am working with the judiciary to encourage it to put simpler forms in place. Ultimately, there is a constitutional position here. The courts are run by the judiciary, not by government Ministers, and that is how it should be.

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

Yemen Question

12.35 pm

Asked by **Lord Roberts of Llandudno**

To ask Her Majesty's Government what steps they are taking to resolve the famine in Yemen.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con)

[V]: My Lords, we remain deeply concerned by the ongoing conflict and risk of famine in Yemen. The United Kingdom is playing a leading role in combating hunger, contributing over £1 billion in aid since the conflict began. To respond to this crisis, in the next financial year, the UK will feed 240,000 of the most vulnerable Yemenis every month and provide one-off cash support for 1.5 million of Yemen's poorest households. The UK is also providing the Yemeni Government with technical economic support to stabilise the currency, which will help to reduce food prices.

Lord Roberts of Llandudno (LD) [V]: By 2018, 85,000 children had starved to death in Yemen. Another 18 million people are on the verge of starvation, and yet we are going to cut overseas aid. Is not the least that we can do to help Yemen and other places to restore aid to its previous level?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, we have debated concerns over the ODA reduction on a number of occasions in this House. I appreciate the sentiments expressed but, notwithstanding the nature of the economic outlook that we face, the United Kingdom continues to support our aid efforts around the world, including in Yemen, as I have already said.

Lord Anderson of Swansea (Lab): My Lords, the Minister will surely agree that the Houthis, who control 75% to 80% of the population, are critical to finding a political solution to the problem, more so as the Saudis are seeking an exit. Is there any evidence that the Houthis are responding positively to the new UN peace plan? In particular, are they prepared to facilitate humanitarian access to tackle Covid, cholera and widespread starvation?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, we have seen, including in this week, some positive steps from Saudi Arabia, in the nationwide ceasefire that it called for and the opening up of key ports, for both aid and fuel. However, the Houthis' behaviour in this humanitarian crisis continues to worsen. We therefore call upon them again to cease their activities, so that we can progress a peaceful settlement in the interests of all Yemenis.

Lord Campbell of Pittenweem (LD): Does the Minister properly understand that many Members of this House regard the cut in aid to Yemen as shameful, first, because of the adverse impact it will have on people suffering the worst humanitarian crisis in the world?

Equally important is the impact on the morale of the dedicated aid workers, who are trying to stem the tide of misery.

Lord Ahmad of Wimbledon (Con) [V]: My Lords, as I have already said, I respect the views expressed in your Lordships' House on this important subject. I recognise that reductions have been made in our support through the cuts in ODA. Nevertheless, we continue to support humanitarian efforts in Yemen and the political efforts to bring about a peaceful settlement to this conflict.

Baroness Sugg (Con): My Lords, one of the terrible consequences of the conflict in Yemen is the increase in child marriage. According to CARE International, more than two-thirds of girls are now married by the age of 18, as their families struggle to cope. The UK has long been a global champion and a leading donor in the efforts to end child marriage. Can the Minister tell me what we are doing to help the girls of Yemen, and give me any reassurance that the UK's vital work to end child marriage will be protected from the cuts to international development spend?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, my noble friend is right, and the United Kingdom stands firm in its opposition to the abhorrent practice of child marriage. We will continue to defend the rights of children, particularly young girls, who are vulnerable to this. That work will continue not just in Yemen but elsewhere. As I am sure my noble friend recognises, the access situation in Yemen is extremely challenging. Therefore, the political settlement must proceed, and then we can look forward to playing our part to ensure that the rights of every girl in Yemen and elsewhere are protected.

Baroness D'Souza (CB) [V]: My Lords, the khat crop in Yemen is widely cultivated because it yields a greater income than food. If, however, this income falls and food prices increase due to scarcity, the inevitable consequence is widespread starvation. Will the FCDO support a return to pre-cut levels of aid and consider direct injections of cash into the market to stabilise prices and avoid the already very poor and meagre food aid distribution networks?

Lord Ahmad of Wimbledon (Con) [V]: *[Inaudible]*—food security. In this regard, it is not just a challenge of getting humanitarian aid to the most vulnerable. I assure the noble Baroness that we are also working directly with the Central Bank of Yemen and the Government to prop up the economy and facilitate food imports, and indeed to reduce food prices. That is part of the technical support we extend and will continue to extend.

Lord Collins of Highbury (Lab): My Lords, a recent UN IPC food security report found that half a million children aged between zero and four are acutely malnourished and 100,000 are severely malnourished. The IRC Yemen country director said that we cannot wait for widespread famine to be declared in the

[LORD COLLINS OF HIGHBURY]
country; by then it would be too late. Let us have another go: can the Minister explain how halving aid spending in a country facing famine supports efforts to protect 20 million people from catastrophic famine?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, the noble Lord knows that we have made it very clear that we have been challenged in our budgets through the Covid crisis and domestic challenges. Nevertheless, we are spending £10 billion on ODA. In Yemen specifically, this will mean that 240,000 Yemenis will be directly assisted. We are establishing 400 healthcare centres. We are also working on important and vital sanitation links and water projects. This is all part of our effort with the global community, but what is needed in Yemen most urgently is a peaceful political resolution. As I have said, we are working very much on that priority as well.

Baroness Sheehan (LD): My Lords, Saudi Arabia was the world's largest arms importer from 2015 to 2019. The Saudi-led coalition imposed a blockade on Yemen and used the arms for deadly air strikes on civilian targets, leading to the world's worst humanitarian crisis. Is it the Government's view that the US and Italy stopping arms sales to Saudi Arabia will help end the conflict? Will we consider joining them?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, as I have said on repeated occasions from the Dispatch Box, we look at our arms exports very carefully and take our responsibilities in this respect very seriously. We assess our export licences in accordance with strict licensing criteria. We also welcome, as I am sure the noble Baroness does, the announcement from Saudi Arabia of a nationwide ceasefire. We hope that all sides of the conflict will now adhere to it.

Lord Walney (Non-Aff): My Lords, the humanitarian crisis could be greatly worsened if the oil tanker FSO "Safer", currently off the Yemeni coast, is allowed to continue to decay. We face the greatest environmental disaster of the century. Can the Minister say whether the Islamist Houthi regime is continuing to stall on allowing UN experts to inspect this ship?

Lord Ahmad of Wimbledon (Con) [V]: My Lords, sadly, the short answer is yes. The UK has already contributed £2.5 million to fund this mission, but it is for the Houthis to facilitate the mission's access and deployment.

Baroness Helic (Con) [V]: My Lords, we know that the only way to avert famine in the long term is to end the conflict and create a peace in which all members of society can prosper. A lasting peace requires justice and accountability for the many crimes committed in Yemen. I welcome the establishment of the International Accountability Platform for Belarus. Does my noble friend agree that such a platform is also needed for Yemen to ensure that justice and accountability become more than just aspirations in that country?

Lord Ahmad of Wimbledon (Con) [V]: [*Inaudible*]—justice and accountability. Like all noble Lords, I hope that, through the political settlement, we will see justice and accountability for the innocent victims of this conflict.

Lord Singh of Wimbledon (CB) [V]: The suffering in the civil war has been made worse by our selling arms to Saudi Arabia, allowing it to interfere in the conflict for its own ends, with indiscriminate bombing of homes, attacks on fleeing innocents and deliberate attacks on food supplies. Will the Minister agree that the usual response of us having a strict arms sales policy no longer holds water? Making money out of suffering can never be justified and we have a moral duty to provide redress.

Lord Ahmad of Wimbledon (Con) [V]: My Lords, I agree with the noble Lord that it is important that the United Kingdom plays its part in ensuring that the humanitarian suffering is alleviated, notwithstanding our domestic challenges, which are quite impactful on our international support. We are playing our part. We are also lending support to the political settlement. As I indicated in response to an earlier question, we take a very robust approach when it comes to arms exports.

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

Gypsies, Travellers and Roma: Racism and Discrimination *Question*

12.46 pm

Asked by Lord Woolley of Woodford

To ask Her Majesty's Government, further to reports of the blacklisting of Irish Travellers by Pontins, what steps they are taking to tackle racism and discrimination against Gypsies, Travellers and Roma.

The Minister of State, Home Office and Ministry of Housing, Communities and Local Government (Lord Greenhalgh) (Con): No one should be discriminated against because of their race or ethnicity. It is right that the Equality and Human Rights Commission and Pontins investigate and address this. To date, we have funded GATE Herts with £150,000 to tackle the discrimination that Gypsy, Roma and Traveller communities experience.

Lord Woolley of Woodford (CB) [V]: My Lords, I declare my interest in the register. I have spoken to many Roma, Gypsy and Traveller leaders, such as Zeljko Jovanovic from the Roma Initiatives Office and Yvonne MacNamara from the Traveller Movement. They tell me that it is not just the scandal at Pontins that concerns them but the growing mental health crisis in their communities, which has been exacerbated by Covid-19, not least because many are self-employed and not eligible for furlough, and therefore their incomes

have completely dried up. Will the Minister agree to meet with me and representatives of these communities to urgently deal with this crisis?

Lord Greenhalgh (Con): My Lords, I am very happy to meet with the noble Lord.

Lord Lucas (Con) [V]: My Lords, I am delighted by the answers my noble friend has given, but will he make it clear that, when the police Bill eventually leaves this House, its provisions will fully support the continued flourishing and existence of Gypsy and Traveller communities?

Lord Greenhalgh (Con): My Lords, any measures introduced, including those in the Bill, would be undertaken in compliance with equality and human rights legislation.

Baroness Falkner of Margravine (CB) [V]: My Lords, I declare an interest as chair of the EHRC. As noble Lords will know, we signed a legally binding agreement with Pontins to prevent racial discrimination and will take further enforcement action if needed. The problem is that Gypsy, Roma and Traveller groups face particular discrimination in housing, with a severe shortage of adequate sites. New police powers in the Police, Crime, Sentencing and Courts Bill will reduce the ability of these communities to reside somewhere. What steps are the Government taking with local authorities to increase authorised sites for these groups?

Lord Greenhalgh (Con): My Lords, the Government's policies to improve site provision are working. There are now 356 transit pitches provided by local authorities and private registered providers. That is up 41% on January 2010. Local authorities and registered providers, including housing associations, can bid for funding for permanent Traveller sites or transit sites from the £11.5 billion affordable homes programme.

Baroness McDonagh (Lab) [V]: I declare an interest by referring your Lordships to my name. I had wondered why I was never able to book a Pontins holiday, even in the dead of winter, and now I know. Thanks to the EHRC and the whistleblower, the mystery is solved. My question is on education. Children from the Traveller community pre pandemic were the most behind of any group of children, and now they have missed even more education. Please can the Minister take us through the specific education booster plans that the Government are putting in place to bring children in Traveller families up to speed so that they have real choices for work as adults, especially the girls, as this is what levelling-up really looks like?

Lord Greenhalgh (Con): My Lords, I point to the £400,000 invested by my department in education and training programmes for over 100 Gypsy, Roma and Traveller children and young people to receive extra tuition to catch up on lost learning during the pandemic. This is in addition to the £700 million provided by the Department for Education for the most disadvantaged young people, including Gypsies, Roma and Travellers,

to access high-quality tuition. We are working on a cross-Whitehall GRT strategy to further improve the life chances of this community.

Baroness Bakewell of Hardington Mandeville (LD) [V]: My Lords, the Police, Crime, Sentencing and Courts Bill, as it stands, will have a devastating effect on nomadic Gypsy and Traveller communities. Clause 4 enables the police to seize a family's home. This is discrimination on a grand scale. Can the Minister say what other section of people living in our country will be targeted in this inhumane way?

Lord Greenhalgh (Con): The Bill is not the draconian legislation that it is painted as by the noble Baroness. The focus is on people who wilfully break the law, wilfully trespass on property, and wilfully damage public amenities. They are a very small minority. Regarding property, the police will need to consider their obligations around human rights legislation.

Lord Kennedy of Southwark (Lab Co-op): My Lords, my good friend Conor McGinn, the Member of Parliament for St Helens North, was asked by Pontins to make representation to get its sites open last year, only to then discover that, as a McGinn, if he tried to book a holiday, he and his family would not be welcome at any Pontins holiday camp since his name was on the banned list. This is a scandal against Gypsies, Travellers and Roma people. Does the Minister agree, and can he discuss with colleagues in government whether the laws are strong enough to ensure that the people who have perpetuated this disgusting racism are prevented from doing so again, either at Pontins or any other company that they may work for or be associated with in the future?

Lord Greenhalgh (Con): I join the noble Lord in condemning those actions. I am very glad that his name was not caught up in that ridiculous policy. It is important that a full review of hate crime is carried out. The Law Commission started it last year and will be reporting to Ministers shortly on whether we need to build on the approach taken by the current hate crime action plan.

Lord Bourne of Aberystwyth (Con) [V]: My Lords, following my noble friend's comments regarding the Law Commission report on hate crime, and the consideration of proposals for reform, which the Government will be bringing forward this year, can he offer assurance that there will be thoroughgoing support and protection for Gypsy, Roma and Traveller communities, which—*[Inaudible]*—as demonstrated by the race disparity audit that we set up?

Lord Greenhalgh (Con): My Lords, I am happy to give that assurance to my noble friend.

Lord Alton of Liverpool (CB): My Lords, on 15 February, the Minister gave me a helpful reply concerning roadside evictions of people from the Travelling community. What progress has been made in the discussions that he said he would be having with local authorities to ensure that, at least during the pandemic,

[LORD ALTON OF LIVERPOOL]
there would be no further roadside evictions and that there would be access to safe water and safe sanitation? Given that he told the House that a cross-departmental review was taking place, can he confirm that this was announced originally in June 2019? When will it be published?

Lord Greenhalgh (Con): I wrote to local authorities emphasising the need to take a negotiated, stopping-model approach, which has been taken up by a number of local authorities during the pandemic. I commit that the cross-departmental strategy will be forthcoming. Obviously the focus has been on the Covid-19 pandemic.

Baroness Young of Old Scone (Lab) [V]: What note are Her Majesty's Government taking, in respect of the Police, Crime, Sentencing and Courts Bill, of the fact that over 75% of police respondents to the Home Office consultation did not support the proposed new criminal offence of trespass with intent to reside?

Lord Greenhalgh (Con): I note the points around that consultation, but 66% of local authorities that responded to the 2019 consultation were in favour of introducing a new criminal offence for those who reside on unauthorised encampments, and 94% supported one or more of the proposed amendments in the Bill under consideration.

The Lord Bishop of St Albans [V]: Research published by the FFT in January 2021 found that there were only 59 permanent and 42 transit pitches available across England. In response to the new police and crime Bill and proposals to allow for greater enforcement against unauthorised encampments, what provisions are being made to provide authorised sites for the GRT community? I am happy for the Minister to write to me if he does not have the figures to hand.

Lord Greenhalgh (Con): My Lords, Part 4 of the Bill essentially seeks to make something that is a civil offence into a criminal offence. It is based on a similar change in law undertaken in the Republic of Ireland some years ago. I will write to the right reverend Prelate with the specific figures, but looking at transit site provision in addition to the 356 transit pitches that exist will be part of the upcoming cross-Whitehall GRT strategy.

The Lord Speaker (Lord Fowler): My Lords, the time allowed for this Question has elapsed. We now come to the House's first session of Oral Questions to the Minister of State at the Cabinet Office. There will be three Questions, with 10 minutes allowed for each. We will proceed in the same way as for Oral Questions.

Post Brexit: Economic and Political Opportunities Question

12.57 pm

Asked by **Lord Rooker**

To ask the Minister of State at the Cabinet Office (Lord Frost) what evidence-based analysis Her Majesty's Government are using to oversee the

cross-government work on maximising the economic and political opportunities flowing from the United Kingdom's departure from the European Union.

The Minister of State, Cabinet Office (Lord Frost) (Con): My Lords, the UK's future economic and political opportunities are maximised by the ability we now have to set laws which suit this country's needs, rather than the lowest common denominator of EU member states. That is true when we review existing legislation and when we set new legislative frameworks for the industries of the future. In doing so, we will draw on economic and analytical support from within government departments and beyond them.

Lord Rooker (Lab) [V]: My Lords, I congratulate the Minister on his appointment to the Cabinet. I am surprised that there is no mention of the specific work of anybody. I cite the economic work of Crowley, Exton and Han from Cambridge University, and hope that he will look at it. I want to ask about political opportunities. Does he agree that for 2021, two large opportunities for the independent UK are the G7 and COP 26? Does he further agree that, to maximise these opportunities, it will be more effective to co-operate with the EU as an entity than via bilateral relations with member states?

Lord Frost (Con): My Lords, I very much agree with the noble Lord that we have great opportunities on the world stage after Brexit. This year the G7 summit and COP 26 meeting are among the most important. Of course, we seek to co-operate with the EU and its member states in whichever way is most appropriate.

The Earl of Kinnoull (Non-Aff): My Lords, I, too, warmly welcome the Minister to his first outing at Minister of State's Questions. There are 24 committees and groups set up under the trade and co-operation agreements. They are, in effect, the instruments and controls in its cockpit, but the Government have said that there will be no meetings of these bodies until the end of the ratification period, which is now considerably extended, so the flight deck is empty. Given that the TCA is fully operational, what plans do the Government have to at least get meetings in the diary?

Lord Frost (Con): My Lords, I have, of course, read the full and thoughtful report produced by the noble Earl's committee, which was published on Monday, on this question and many others. We think that it is right to establish the Government's arrangements fully when the treaty is fully in force and ratified on both sides, which we hope will be very soon.

Baroness Noakes (Con): My Lords, does the Minister agree that the noble Lord, Lord Rooker, should concentrate on outcomes, not process, and that he need look no further than the terrific work being done by my right honourable friend the Secretary of State for International Trade, with 66 trade deals already done and more still to come as evidence of how the Government are delivering opportunities for the UK now that we are out of the EU?

Lord Frost (Con): I very much agree with the thrust of my noble friend's question. More than 60 trade treaties were rolled over last year, and a number of others are now under negotiation with the United States, Australia, New Zealand and so on, and we have an aspiration to join the CPTPP. My right honourable friend the Secretary of State for International Trade is doing an excellent job in this area, and I am sure she will continue to do so.

Baroness Bull (CB): My Lords, the importance of international access for service industries and the integration of UK and EU services is well evidenced. Some 40% of services trade in the UK's £116 billion creative sector flows to the EU, and the integrated review reminds us that these services enhance the UK's soft power and its balance of trade. Will the Minister ensure that this evidence is taken into account in identifying future opportunities for the UK? If the existing evidence is not enough, can he tell us what further evidence is required to convince the Government to prioritise our world-leading, revenue-generating creative industries in future trade negotiations?

Lord Frost (Con): My Lords, the UK is very much a services-based economy and the success of our services industries in all areas is essential for our future prosperity. We are well aware of the particular issues faced by cultural workers and we put forward solutions in the TCA negotiations to try to deal with them but, unfortunately, that was not possible. We are now working energetically with our European friends bilaterally to see whether we can reduce the most difficult barriers and will continue to do so.

Lord McConnell of Glenscorrodale (Lab): My Lords, as a Minister and as First Minister of Scotland, I was regularly engaged in developing negotiating positions and in other debates on the UK's position in discussions with the European Union. What arrangements has the Minister put in place to engage with the devolved Governments as part of these new arrangements with the European Union? Specifically, how will he engage with civic society and business in Scotland to ensure that their views are being heard?

Lord Frost (Con): My Lords, we engaged very closely with the devolved Administrations last year during the TCA negotiations and in the implementation of the withdrawal agreement. At the moment, we are considering the best way of engaging the devolved Administrations most effectively in the new governance arrangements that have been set up, and I expect we will want further discussions on that matter before too long.

Lord Purvis of Tweed (LD): My Lords, when I asked the Minister last week about the absence of the EU/UK agreement impact assessment, he told me:

"The economic situation last year, the impact of the pandemic and the huge uncertainties made it very difficult to conduct an analysis."—[*Official Report*, 18/3/21; col. 447.]

However, that was not the case for the UK/Japan agreement he referred to, on which a 107-page assessment was published at the end of October. The Minister just

told the House that the Government are drawing on economic and analytical support within government. Will the British Parliament be able to see any of it?

Lord Frost (Con): My Lords, the Government routinely publish much information and analysis of this country's economic prospects. They most recently did so around the Budget earlier this month. Many other bodies, such as the OBR and the ONS do likewise. There is a good deal of comment on the prospects for this country after Brexit, economically and otherwise, and we are not convinced that further publications at this point would add to this very rich debate.

Lord Hamilton of Epsom (Con): Can my noble friend enlighten the House on the progress he is making with the export of shellfish from the UK to the EU? Does he accept that the EU has acted in bad faith in its strict adherence to the rules? Is he contemplating that we might retaliate in kind?

Lord Frost (Con): My Lords, we obviously regret the situation that has arisen with the difficulties in exporting shellfish to the European Union after 1 January. Clearly, nothing changed in the safety of British shellfish or British waters at midnight on 31 December. We are continuing to work with the Commission and member states to see whether we can resolve this situation.

Baroness Smith of Basildon (Lab): My Lords, like the noble Lord, Lord Hamilton, I want to return to an issue we touched on last week when the Minister appeared to dismiss concerns about the January fall in exports, saying:

"A unique combination of facts has made it inevitable".—[*Official Report*, 18/3/21; col. 445.]

The Food and Drink Federation does not share his complacency, having seen its members' exports to the EU collapse by 75% in the past year but by only 11% to the rest of the world. It is clear that the Brexit negotiations, which the Minister was part of, had a hugely significant impact, particularly on small businesses, so I have two questions for him. First, if the fall really was inevitable, why did he not tell businesses beforehand? Secondly, will he urgently convene a meeting, notwithstanding his earlier comments, of the partnership council and the special trade committees to try to save British exports?

Lord Frost (Con): My Lords, the economic situation is clearly hugely influenced by many factors including stock building, the implementation of the Trade and Cooperation Agreement and the effects of the pandemic, which has dramatically affected markets in Europe, to which many of our smaller companies and food companies export. We are working very closely with all those companies to deal with the difficulties they face, and we will continue to do so in support of our great food and drink industry.

Viscount Waverley (CB): My Lords, I echo the approach of the noble Baroness, Lady Smith, to this question. The first set of concrete numbers are now available and starting to speak for themselves. What is

[VISCOUNT WAVERLEY]

the reaction to Santander UK's recent barometer survey published this week showing that 16% of the businesses surveyed—equating to 1,000 businesses—say that European supply chains are no longer viable and 23% say that the increase in the costs of bureaucracy currently prohibits them trading with existing UK markets? Then there is this morning's news that Santander UK is closing 111 UK branches with the loss of 5,000 jobs. What plans do the Government have to fix these issues?

Lord Frost (Con): My Lords, the ongoing pandemic is clearly having a significant effect on the economic situation in Europe and in the UK. That cannot be removed from the economic situation we are trying to consider. We are working very closely with goods exporters, services exporters and all companies to enable them to deal with the new processes they face to ensure that they can continue to prosper after Brexit.

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

Northern Ireland and Great Britain: Trade Question

1.08 pm

Asked by Lord Hain

To ask the Minister of State at the Cabinet Office (Lord Frost) what initiatives Her Majesty's Government will pursue in the European Union–United Kingdom Joint Committee to reduce the burdens for businesses in Northern Ireland trading with Great Britain.

The Minister of State, Cabinet Office (Lord Frost) (Con): My Lords, we are committed to and have legislated to ensure unfettered access for Northern Ireland goods moving to the rest of the UK market as a unilateral UK matter. As to goods' movement between Great Britain and Northern Ireland, we continue to be committed to working through the joint committee to provide pragmatic and sustainable arrangements for east-west trade, and we are supporting all our businesses in doing so.

Lord Hain (Lab): Does the Minister now acknowledge that his fiendishly complex barriers to trade between Great Britain and Northern Ireland are throttling local businesses and undermining political stability? Surely the joint and specialised committees that he co-chairs with the EU are fully capable of resolving these problems—or are they simply the direct and inevitable consequence of the Prime Minister's dogmatic obsession with a hard Brexit? Surely the Minister accepts that unilateral suspensions of, and inflammatory calls to renege upon, the Irish protocol—negotiated by him and agreed by his Government—are also eroding trust with future trading partners, as President Biden has ominously signalled.

Lord Frost (Con): My Lords, the best way of dealing with the issues that are arising on trade between Great Britain and Northern Ireland is for the Northern

Ireland protocol to be implemented in a pragmatic and proportionate manner that is consistent with all its aims. That is what we intend to do and we are working with the European Union to that effect.

Lord Howard of Rising (Con) [V]: My Lords, by its recent actions the European Union has shown that it respects the Belfast agreement only when it suits it. The actions of the European Union on 29 January surprised and shocked all those who understand the importance of the peace process. How does the Minister propose to act to safeguard the Belfast agreement and the peace process?

Lord Frost (Con): My Lords, this Government stand fully behind the Belfast/Good Friday agreement. It is central to our policy on Northern Ireland. The most important thing about the Northern Ireland protocol is that it should guarantee the Belfast/Good Friday agreement and the peace process. If it is failing to do that, it is not working well; that is why we think that a pragmatic, proportionate and appropriate implementation of the protocol is the right way forward.

Lord Mandelson (Lab) [V]: My Lords, the Government are in real danger of blundering around in Northern Ireland on these sensitive trade issues. The unionists feel, understandably, that putting a trade border down the Irish Sea is a betrayal of their community. To mitigate this, will the Government seek a Swiss-style veterinary agreement with the European Union, which would eliminate many—not all, but many—of the trade barriers created when the Government originally entered the withdrawal agreement? Is there any downside, in the Minister's view, to such a veterinary agreement that is more important than smoother trade and political stability in Northern Ireland?

Lord Frost (Con): My Lords, the noble Lord is correct in the implication of his question: that the protocol must be implemented in a way which protects the Belfast/Good Friday agreement in all its dimensions, east-west as well as north-south. On the question of a SPS or veterinary agreement, we proposed in the TCA negotiations last year that there could be an equivalence arrangement between us and the EU. Unfortunately, the EU was not open to that. We continue to be open to such an equivalence arrangement, if the EU is interested in it.

Baroness Ludford (LD) [V]: My Lords, I too want to press on the issue of an SPS agreement. It is not only that a lot of the problems of deliveries from Great Britain to Northern Ireland concern foodstuffs and plants; exports of products such as shellfish and Scottish salmon from Great Britain to the EU have been massively hit by Brexit red tape. The noble Lord, Lord Mandelson, asked the Minister specifically whether there was any downside to an SPS agreement. He did not answer that question, so why are the Government not seeking a veterinary so-called SPS agreement?

Lord Frost (Con): My Lords, the downside to a Swiss-style SPS or veterinary agreement is that it would require our food and drink sector to accept not

laws that were made in this country but the laws of the European Union. As far as this Government are concerned, that is quite a considerable downside to such an agreement. It is why we cannot accept one that is based on dynamic alignment.

Lord Murphy of Torfaen (Lab) [V]: My Lords, for over 20 years, discussion and dialogue have been at the heart of the Northern Ireland peace process and the protocol should be no exception to this. Will the Minister talk to the European Union through the joint committee, and to the Irish Government through the British-Irish Intergovernmental Conference, which was set up by the Good Friday agreement, and, above all, talk to all the political parties represented in the Northern Ireland Executive and their leaders? Only by talking will we ultimately resolve these issues.

Lord Frost (Con): My Lords, I very much agree that dialogue is extremely important. I and my team are in constant touch with Vice-President Šefčovič and his teams, and of course my right honourable friend the Secretary of State for Northern Ireland also has many contacts in Northern Ireland. I am pleased to say that there will be a specialised committee tomorrow, 26 March, within the joint committee framework to consider all the issues related to implementing the protocol. We continue to pursue dialogue in that framework.

Lord Moylan (Con): My Lords, while the Northern Ireland protocol remains in place, British medicines going from Britain to Northern Ireland will, from 31 December this year, need not only to comply with EU regulation but to be batch-tested inside the EEA. They could therefore be hostage to capricious EU export bans. Will my noble friend assure the people of Northern Ireland that the Government will guarantee them a continuous, reliable supply of medicines, including any necessary vaccine boosters, even if that requires the Government to take unilateral action?

Lord Frost (Con): My Lords, the people of Northern Ireland must of course have access to a wide availability of medicines and pharmaceutical products, just as in any other part of the UK. There is, of course, a grace period in place until the end of this year for the protocol provisions. We have proposed, as is known to the EU, that this should be extended by a further year. We continue to discuss this matter.

Lord Dodds of Duncairn (DUP): My Lords, given that the protocol prevents the flow of free trade within the United Kingdom internal market and stops any elected representative, either at Stormont or here at Westminster, having any say or vote on laws which govern a large degree of the economy of Northern Ireland, does my noble friend agree that these matters must be addressed and corrected at the earliest opportunity; that we as a sovereign, independent country must ensure that the people of Northern Ireland are treated in the same way as people elsewhere in the United Kingdom; and that we have to do this to ensure that we have a stable future for devolution and

a balanced and proper implementation of the agreements, not a one-sided interpretation and implementation of them?

Lord Frost (Con): My Lords, the noble Lord is absolutely correct to say that the future of the protocol depends on the consent of the elected representatives and the people of Northern Ireland. If that consent is not maintained, it is difficult to see how the protocol can be genuinely durable. All sides must work to sustain it. The EU needs to be aware of the impact its decisions have had on the ground in Northern Ireland in recent months, and continue to work to implement the protocol in a pragmatic and proportionate fashion.

Lord Stevenson of Balmacara (Lab) [V]: My Lords, touring and performing in Europe is crucial to our creative industries in Northern Ireland. Will the Minister take the opportunity to put on record today the reason why HM Government rejected the offer made in the EU draft legal text of March 2020 to exempt musicians and artists from any new visa requirements or restrictions on short-term work on the continent?

Lord Frost (Con): My Lords, the British people voted to end free movement in 2016 and that was a central part of our approach to the negotiations in 2020. The specific proposal made by the European Union would not have dealt with all the difficulties that cultural workers face. The proposal that we made would have, so we regret that agreement on it was not possible, but we continue to discuss this matter bilaterally now with European member states.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, the time allowed for this Question has elapsed.

Protocol on Ireland/Northern Ireland *Question*

1.19 pm

Asked by Baroness Crawley

To ask the Minister of State at the Cabinet Office (Lord Frost) why Her Majesty's Government unilaterally extended the grace period for checks on trade between Great Britain and Northern Ireland under the Protocol on Ireland/Northern Ireland.

The Minister of State, Cabinet Office (Lord Frost) (Con): My Lords, the temporary operational measures announced by the Government earlier this month were taken to avoid disruption to supermarket supplies and parcel deliveries, in accordance with the protocol's aim to minimise disruption to everyday lives in Northern Ireland. We continue to discuss the implementation of the protocol with the EU within the joint committee framework.

Baroness Crawley (Lab) [V]: I thank the Minister and welcome him to his new post. Why did the Government not listen to the 29 trade associations

[BARONESS CRAWLEY]

that said in December that there were not enough official vets to cope with the new rules requiring export health certificates for trade in animal products crossing the Irish Sea? He tweeted on 12 March:

“overall freight volumes between the UK and the EU have been back to their normal levels for over a month now”.

Is he saying that for the first quarter of 2021 the volume of trade between the EU and UK will be approximately the same as for the first quarter of 2020? If not, what is he saying exactly?

Lord Frost (Con): In answer to the first part of the question, I say that we work very closely with companies wishing to trade into Northern Ireland and have set up a movement assistance scheme specifically designed for companies exporting food and drink. On the second part, I say what I said in my tweet—freight volumes are back to normal and have been since the beginning of February. We must await official figures for trade value, and those are subject to some of the same considerations discussed earlier.

Lord Caine (Con): Does my noble friend agree that, under the Belfast agreement, Northern Ireland is not a hybrid state but an integral part of the United Kingdom—ultimate responsibility for which rests with the sovereign United Kingdom Government? Where there is evidence that the protocol is not working as envisaged—as the Prime Minister recently acknowledged—and Northern Ireland is disadvantaged, is it not the duty of Her Majesty’s Government to take whatever action is necessary to remedy that, unilaterally if required?

Lord Frost (Con): My noble friend is absolutely right; Northern Ireland is not subject to some sort of co-governance arrangement with the EU. Northern Ireland is fully part of the United Kingdom, its custom arrangements and internal market. The protocol is extremely clear on this point. However the protocol is implemented, it must be done in a way consistent with these fundamental provisions.

Lord Kerr of Kinlochard (CB) [V]: One of the effects of the Minister’s decision on the grace period is that nobody now knows when the new treaty will be ratified. I take him back to his answer to the noble Earl, Lord Kinnoull, and the Government’s February decision that the entire governance structure under the new treaty—all the myriad committees charged with tackling practical problems, tying up loose ends and rebuilding relations—should stay on ice until after ratification. No one knows when ratification will be. The report by the EU Select Committee chaired by the noble Earl, Lord Kinnoull, saw no justification for allowing matters to drift in this way. The Minister’s answer suggests that he does not agree. If so, what is his justification for this drift and what was the withdrawal agreement legal base for his unilateral decision on the grace periods?

Lord Frost (Con): My Lords, our expectation is that the trade and co-operation agreement will be ratified by the end of April. We have agreed to that in the

partnership council by written process. We look to the European Union to uphold that obligation. The unilateral measures were lawful as part of a progressive and proportionate implementation of the protocol.

Lord Adonis (Lab): My Lords, the Irish Foreign Minister, Simon Coveney, said that a road map to the full implementation of the Northern Ireland protocol was needed. Since the noble Lord has taken office, has he had the chance to meet Mr Coveney? If not, does he have plans to do so at an early date? There are many of us who think that, on the basis of the noble Lord’s distinguished diplomatic record, he might do a better job spending more time on diplomacy and less time issuing ideological declarations.

Lord Frost (Con): I have of course had a conversation with the Irish Foreign Minister, as I have with many Ministers around Europe. Our intention is to pursue the issues arising from the protocol through dialogue, both with the Commission and with our European friends.

Baroness Suttie (LD) [V]: My Lords, further to his earlier replies to the noble Lord, Lord Mandelson, and the noble Baroness, Lady Ludford, can the Minister confirm that concluding a bespoke EU-UK veterinary agreement will be a key priority during the grace period? Does he feel that progress is already being made in that regard?

Lord Frost (Con): My Lords, the European Union has a number of SPS and veterinary agreements with third countries based on equivalence, not dynamic alignment. We continue to be open to an arrangement based on equivalence. At the moment, our understanding is that the European Union does not wish to negotiate such an arrangement.

Lord Liddle (Lab) [V]: My Lords, I welcome the noble Lord, Lord Frost, to his distinguished place on the Front Bench; I have many good memories of working together on European issues in the Blair Government. When it comes to making the Northern Ireland protocol work more flexibly, the key question surely is about trust between the Commission and the British Government. Will he seize this golden opportunity today to affirm publicly that the British Government are not seeking to scrap the Northern Ireland protocol or negotiate any changes to the text that the Prime Minister himself agreed?

Lord Frost (Con): I too have happy memories of working with the noble Lord in a rather different context a few years ago. Our clear position is that the protocol depends on the consent of all the people of Northern Ireland. As long as that consent is not maintained, it is difficult to see how the protocol can be genuinely durable. We are working to sustain the protocol, but in a pragmatic and proportionate fashion.

Lord Lamont of Lerwick (Con) [V]: My Lords, I too welcome the Minister. Is he aware that some of us strongly support his unilateral action in extending the

grace periods? Without them there would be shortages of food and no medicines in Northern Ireland. Banning British sausages in Belfast hardly strengthens the Good Friday agreement, but a temporary waiver is not a permanent solution to these problems. Is he confident that there is sufficient flexibility and potential easements in the protocol for a permanent solution, or is it going to require action under Article 16?

Lord Frost (Con): I thank my noble friend for his words of support for the operational measures that we took earlier this month. These measures are lawful and consistent with the progressive and good-faith implementation of the protocol. They are intended to avoid disruption to everyday life in Northern Ireland, which we would otherwise have seen. We are working with the Commission to see if we can find solutions to those problems and many others on a more permanent basis, and we continue to pursue that actively.

Baroness Hoey (Non-Afl) [V]: My Lords, I give full support to Her Majesty's Government in taking the action to extend the grace period for trade checks between GB and NI. In the face of the belligerent attitude of the EU at the joint committee, I believe that there was no alternative. However, does the noble Lord agree that the trade border is now on the island of Ireland, at Belfast, Larne and so on? As such, if it can be there, is there any credible reason why it cannot be moved to inside EU territory—specifically, inside the Irish Republic—making the EU responsible for the protection of its internal market?

Lord Frost (Con): I thank the noble Baroness for her words of support and for acknowledging that we had no choice in the operational measures that we took earlier this month. The protocol depends on cross-community support and the consent of the majority of the Northern Ireland Assembly. As a matter of logic, if that consent were not to be renewed in the future, it would have implications that all sides would need to consider at that point.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, the time allowed for this Question has elapsed. There will now be a brief business statement.

Arrangement of Business *Announcement of Recess Dates*

1.29 pm

The Earl of Courtown (Con): My Lords, on behalf of my noble friend the Chief Whip, I thought that this would be a convenient point to confirm the plan for the Whitsun Recess. Subject to the progress of business, as is always the case, we will rise for half term at the conclusion of proceedings on Thursday 27 May and return on Monday 7 June. A copy of these dates will be made available in the Royal Gallery.

1.30 pm

Sitting suspended.

Arrangement of Business *Announcement*

1.35 pm

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, we will shortly consider Commons amendments to the Counter-Terrorism and Sentencing Bill. I will call Members to speak in the order listed. As there is a counterproposition to the Minister's Motion, any Member in the Chamber may speak in this debate, subject to the usual seating arrangements and the capacity of the Chamber. Any Member intending to do so should email the clerk or indicate when asked. Members who do not intend to speak should make room for Members who do. All speakers will be called by the Chair. Short questions of elucidation after the Minister's response are discouraged, and a Member listed to speak and wishing to ask such a question must email the clerk.

Leave should be given to withdraw Motions. When putting the Question, I will collect voices in the Chamber only. If a Member taking part remotely wants their voice accounted for if a Question is put, they must make this clear when speaking on the group. Noble Lords following proceedings remotely but not speaking may submit their voice, content or not content, to the collection of voices by emailing the clerk during the debate. Members cannot vote by email; the way to vote will be via the remote voting system.

Counter-Terrorism and Sentencing Bill *Commons Amendments*

1.37 pm

Motion A

Moved by Lord Parkinson of Whitley Bay

That this House do not insist on its Amendment 18 and do agree with the Commons in their Amendments 18A, 18B, 18C, 18D and 18E in lieu.

18A: Page 35, line 3, leave out "one or more" and insert "up to four"

18B: Page 35, line 5, leave out paragraph (b) and insert—
“(b) in the heading, for “Two” substitute “Five”.”

18C: Page 35, line 7, leave out from “measures),” to the end of line 8 and insert “in subsection (9)(a), for “without being extended under section 5(2)” substitute “as mentioned in section 13(6)(a)”.”

18D: Page 35, line 10, leave out from “(6)(a)” to the end of line 15 and insert “—

(i) the words “without being extended under section 5(2)” become sub-paragraph (i);

(ii) at the end of that sub-paragraph insert “, or

(ii) having been extended under section 5(2) on fewer than four occasions,”;

(b) in subsection (7)(b), at the end insert “(and regardless of how many times it has been so extended)”;

(c) in subsection (9)—

(i) omit the “and” at the end of paragraph (a);

(ii) after paragraph (b) insert “; and

“(c) is treated as having been extended under section 5(2) on the same number of occasions (if any) as on which the revived notice had been so extended.””

18E: Page 35, line 16, leave out “omit subsection (3)” and insert “for subsection (3) substitute—

“(3) The replacement TPIM notice is to be treated as having been extended under section 5(2) on the same number of occasions (if any) as on which the overturned notice had been so extended (including any extension that was quashed).”

Lord Parkinson of Whitley Bay (Con): My Lords, I beg to move Motion A. Commons Amendments 18A to 18E, tabled by Her Majesty’s Government in lieu of your Lordships’ Amendment 18, would set a new upper limit of five years on the duration of a TPIM, in contrast to the four years proposed by the noble Lord, Lord Anderson of Ipswich.

As I said on Report, the Government are pleased that your Lordships’ House has acknowledged the inadequacies of the current two-year time limit. On more than one occasion, it has resulted in a cliff edge, leaving dangerous individuals in the community without suitable risk management measures in place while a new TPIM was prepared.

We do not share the concerns that were raised in respect of the Bill’s original proposal to enable TPIMs to be renewed for as long as is necessary for public protection, which included lessening the incentive to prosecute subjects or the risk of individuals being warehoused. None the less, we recognise the clear strength of feeling expressed by your Lordships’ House that TPIMs should have a finite limit.

The Government believe that a five-year limit would be more effective than a four-year limit in supporting our operational partners’ efforts to manage the enduring risk that some subjects pose. This reflects our experience of operating the TPIM regime, as well as historical experience from control orders. As I have set out previously, during the lifespan of the control order regime, there were three individuals who were sufficiently dangerous to be subject to an order for between four and five years.

As well as further reducing the prospect of a cliff edge when the measure comes to an end, a five-year limit will also ensure that the other benefits of a TPIM can be maximised, including providing more time to rehabilitate the individual and, if necessary, identify alternative risk-management and disruption options. In cases of charismatic radicalisers, it will also provide additional time to degrade their networks and reduce the wider threat from others who may have been influenced by the subject, were it not for the TPIM measures.

I emphasise that it will not become routine practice for TPIMs to last five years. The Home Secretary will not hesitate to revoke a TPIM notice, to remove measures specified within the notice or to choose not to renew the notice when it is no longer necessary or proportionate. As we have discussed in detail, TPIMs will continue to be subject to regular scrutiny, including through quarterly and annual review meetings, and the judicial oversight that your Lordships have heard about will continue to be in place, providing for another layer of independent scrutiny.

Motion A1 (as an amendment to Motion A)

Moved by **Baroness Hamwee**

Leave out from first “do” to the end and insert “insist on its Amendment 18 and do disagree with the Commons in their Amendments 18A, 18B, 18C, 18D and 18E in lieu.”

Baroness Hamwee (LD) [V]: From these Benches, at previous stages of the Bill, we have explained to the House our opposition to the extension of TPIMs through the package of changes to the 2011 Act contained in Part 3 of the Bill. We acknowledge that the Bill is not quite as it arrived originally with us, in that “reasonable grounds for suspicion” has become “reasonable grounds for belief”—that is still a long way from the current balance of probabilities—and the Independent Reviewer of Terrorism Legislation will have a duty to carry out annual reviews for five years. As the Minister confirmed at the last stage, that is what could be done in any event, without that amendment.

We indicated our views by a number of Divisions, as well as in debate, but it was only the amendment from the noble Lord, Lord Anderson, with the authoritative support of the noble and learned Lord, Lord Thomas of Cwmgiedd, that was agreed by your Lordships, reining back indefinite TPIMs to four years. That is the issue with us today.

As I said, Part 3 as it relates to TPIMs is a package. Its main components are the length of the TPIM, residence measures—in other words, detention—where that detention or residence is to be, and the curfew. Without limits on the period referred to at a previous stage by the Government as “enduring detention”, that would have amounted to indefinite house arrest, without trial let alone conviction, and on the basis of the Home Secretary having reasonable grounds for belief that there is or has been terrorism-related activity.

We saw, and still see, no need to extend TPIMs, a view taken by the current independent reviewer, and we have heard from the police that they had been unable to apply TPIMs as they needed. Of course, five years must be better in our view than detention without statutory limit. The Minister called it “more effective”. Obviously, it is a longer period, by definition, and so closer to the Government’s original indefinite proposal. I am a little taken aback by the suggestion that it is better because it allows more time for rehabilitation—this may not be the moment to go into what rehabilitation is made available and was proposed to be made available on an indefinite basis, or whatever basis. In any event, it is five years compared with four years or the original two years, which we debated, and compared with the period that noble Lords asked the Commons to consider.

The Minister said that it would not be routine and, happily, it cannot be routine, because there are some other safeguarding provisions in the original legislation. The Minister—I refer to the Minister in the Commons—said that this

“represents a reasonable compromise between a desire to set a reasonable limit on the maximum duration of TPIMs and protecting our fellow citizens”.—[*Official Report*, Commons, 22/3/21; col. 714.]

There are a lot of points to debate within that sentence, but I shall not try your Lordships’ patience by rehearsing them or the arguments that I and other noble Lords, particularly my noble friends, have made during the course of this Bill. Five years sounds less like a compromise than acknowledging that to stick to no limit would cause the Government trouble at a point in the parliamentary Session when they really do not have time for it, coupled with a concern not to lose face,

which I suppose is simply human, but there does not seem to have been a lot of intellectual rigour applied to the proposal that we now have.

The views of our Benches are clear: we have not changed our views, but we recognise the parliamentary realities. We do not support what the Government are doing, but we will not seek to divide the House today.

1.45 pm

Lord Anderson of Ipswich (CB) [V]: My Lords, behind today's limited and so far rather civilised debate lies perhaps the most divisive and hard-fought civil liberties dispute of this century. In the frenzied weeks after 9/11, we saw the British answer to Guantanamo—a scheme of indefinite detention in Belmarsh prison at the behest of the Executive for foreign nationals who could be neither deported nor put on trial. When that scheme was declared by our highest court to discriminate unlawfully on grounds of nationality, the control order regime of 2005, applicable to British citizens also, was put in its place.

Control orders were replaced by the more liberal TPIMs regime in 2011, after intense debate within the coalition Government. Then the pendulum began to swing back: relocation of subjects was restored in 2015, and this Bill, as it was first presented to your Lordships, would have allowed these uniquely draconian measures, now including the possibility of daytime curfews, to be imposed indefinitely and on the basis of nothing more than a reasonable suspicion of involvement in activity only indirectly related to terrorism.

It is not fashionable to claim that the institutions of our liberal democracy are in good health but, on this occasion, I suggest that they have succeeded in their function of resolving strongly felt differences in public opinion decisively, firmly and in a rights-compliant manner. Let there be no mistake: the measures about to be passed into law are severe and indeed draconian, as public opinion no doubt demands. But it is at least something that a 20-year struggle to reconcile the requirements of security and civil liberties, a struggle in which Belmarsh, control orders and TPIMs have been on the very front line, has been reduced to a dry-sounding choice between Motion A and Motion A1 on the Marshalled List.

In supporting the Government on the compromise that is Motion A, I first acknowledge the consistency and moral force of the Liberal Democrat position. The addition of the fifth year to the maximum duration of a TPIM may have been the straw that broke their back, and, as I indicated to the Minister, it came close to breaking mine. However, I hope that the noble Baroness, Lady Hamwee, is consoled by the fact that during the passage of this Bill her party has helped to restore two of its earlier vital achievements in government: the time-limiting of TPIMs and the requirement of at least a reasonable belief that a TPIM subject should have been involved in terrorism-related activity.

I further thank the noble and learned Lord, Lord Thomas of Cwmgiedd, for co-signing the relevant amendments, and the Labour Front Bench for their support and votes—not perhaps a foregone conclusion, given that it was Labour which devised the original control orders back in 2005. I thank the Government for the equal flexibility which they displayed when

confronted with the mood of this House, for the important assurances given just now by the Minister, in particular for the assurance that five years will not become the new normal, and for the accessibility and courtesy of all Ministers towards me. On one call with the noble Lords, Lord Parkinson and Lord Wolfson, and the noble and learned Lord, Lord Stewart, I was impressed to see that no less a figure than the noble Earl, Lord Howe, had also been fielded, presumably as a kind of sweeper in the event that any of his freshly capped young ministerial colleagues might be tempted to give away the ball. What drills are performed on the ministerial training ground I cannot know, but I mean it as a compliment to all concerned when I say that no intervention by the noble Earl came close to being needed.

I finish with a reference to the latest report of the Independent Reviewer of Terrorism Legislation, published on Tuesday and not, I think, previously brought to the attention of your Lordships' House. Of Jonathan Hall QC's 13 recommendations across the whole field of counter-terrorism law, numbers 9, 10 and 11 relate specifically to TPIMs. He recommended that the possibility of prosecuting TPIM subjects, not for breach of their TPIMs but for terrorism-related activity, be kept under closer review than is currently the case. He recommended that the cumulative period for which TPIM restrictions had already applied be expressly recognised as a factor going to their proportionality. He also recommended that legal funding be swiftly made available to all TPIM subjects for the purpose of participating in Section 9 review hearings, as appears, most unfortunately, not to be the case currently. That is the bare minimum, as he rightly recognised, for ensuring the access to court that can alone render these highly intrusive measures consistent with the rule of law.

Each of the independent reviewer's concerns, as expressed in those three recommendations, can only be deepened by the extension to the maximum length of TPIMs that will be effected by this Bill. The Minister will, I am sure, tell us that the recommendations of the independent reviewer will receive careful consideration. But the Home Office has already had them for more than four months, and I notified the Minister this morning of my intention to mention them. I invite the Minister to go further this afternoon, by assuring the House that the Government accept these recommendations and will implement them.

Lord Thomas of Cwmgiedd (CB) [V]: My Lords, in view of the eloquent and comprehensive speech of the noble Lord, Lord Anderson of Ipswich, I can confine my remarks to three points. First, it seems to me that the position taken by the noble Baroness, Lady Hamwee, must be right as a matter of principle. Both the areas which the House has examined in detail—namely the burden of proof required and the length of time—are essential for ensuring that this is a regime that does not disproportionately affect the fundamental right of liberty.

Secondly, the considerable importance of the current amendment is that we have moved away from the prospect of orders of an indefinite renewal period. Not only would those have been discouraging and demoralising to the individual and made it more difficult to ensure that he could, on removal of the TPIM, return as an ordinary member of society, but, as

[LORD THOMAS OF CWMGIEDD]

importantly, they would have been perceived as unfair by the community. The perception of fairness by the community safeguards us to a much more considerable extent than any other matters.

Thirdly, I profoundly welcome the pragmatic approach of the Minister, supported as he has been in this by the noble Lord, Lord Wolfson of Tredegar, and the noble and learned Lord, Lord Stewart. It is wonderful that a proper compromise has been reached here and I thank them for their considerable part in bringing this about. It may not be perfect, but it gets rid of those areas that would have been most damaging to our civil liberties.

Lord Ponsonby of Shulbrede (Lab) [V]: My Lords, at Second Reading, I made the point that it is very important that we restate the arguments for these draconian measures. I took the opportunity of talking to my son and others of his generation of young people in their early 20s about these measures which we take in our country. We had an interesting discussion about the proportionality of this and the right of a state to protect itself from potential terrorism. It is right that these arguments are revisited, as they are every year. It is a tribute to this House that many of the Peers who have taken part in these debates have a long-standing involvement in these issues—unlike me. It is, nevertheless, important that these arguments are remade, as they have been.

I too thank the Minister, the noble Lord, Lord Wolfson and the noble and learned Lord, Lord Stewart, for their engagement; it was an interesting process. They also made it possible for me and other noble Lords to meet some of the experts in the Home Office who are dealing with these issues on a day-to-day basis. It was certainly instructive to meet the psychiatrists and psychologists who are involved in the various programmes that take place in prison and look at how TPIMs are managed outside prisons.

I also acknowledge that the Minister has made a concession in time-limiting TPIMs to five years. The noble Baroness, Lady Hamwee, put the point well—as she always does—about the principle of having a time limit rather than the issue running on indefinitely. My noble and learned friend Lord Falconer of Thoroton, who was responsible for the introduction of the original control orders in 2005, has changed his view on this, in light of the change in circumstances and the growing learning of how to handle people who are potentially very dangerous. Although the noble Lord, Lord Anderson, proposed four years, we of course accept the Minister's counterproposal of a five-year limit.

I conclude by paying tribute to the noble Lord, Lord Anderson. He has led us on this, in some ways, supported by the noble and learned Lord, Lord Thomas, who also has tremendous experience in this area. If I were to direct my son to read a speech, it would be the final one from the noble Lord, Lord Anderson, which is a very good summary of the situation we have arrived at and the considerations we have made in reaching this compromise.

Lord Parkinson of Whitley Bay (Con): My Lords, I am grateful to all noble Lords for their thoughtful contributions to the debate today and, indeed, throughout

the Bill's passage through your Lordships' House. As the noble Lord, Lord Anderson of Ipswich, said, we have had some very civilised debates about some very important issues of civil liberties, and we are grateful for the tone in which they have been conducted, as well as for the points that they have covered. Noble Lords asked a few questions which I shall cover briefly.

The noble Baroness, Lady Hamwee, while this may not be the time to open the debate about rehabilitation, asked about rehabilitative measures. We have seen, under the current two-year time limit, the problem of TPIM subjects riding out their maximum two years without changing their extremist mindset and with an unwillingness to engage with rehabilitative measures. This is an issue that has been reported on by a former independent reviewer. This change will, we think, create a genuine incentive for the subject to demonstrate that they have rehabilitated themselves and that extending the TPIM notice is not necessary.

The noble Lord, Lord Anderson of Ipswich, raised the latest annual report by the current independent reviewer, Jonathan Hall, and some of the points he has recommended. He is right that the response will be considered and published in full in the usual way, but let me address the points he raised. On reviewing the case for prosecution, we welcome Mr Hall's recommendation that the case for prosecution should be kept under review. The Government have been clear throughout the passage of the Bill that prosecution is our preferred option and the best way to manage risk. As has been noted through our debates on the Bill, TPIMs are resource-intensive tools and often an option of last resort. Before a TPIM is imposed, Section 10 of the TPIM Act first requires that confirmation be provided by a senior police officer that there is insufficient evidence for a prosecution and, under Section 11, the Government "must keep under review" the necessity and proportionality of all TPIM notices. A key consideration at all TPIM review group meetings is whether there is sufficient evidence to support a prosecution for terrorism-related activity or the breach of a TPIM measure.

2 pm

On the passage of time between TPIM review groups, about which the noble Lord will know from his time as independent reviewer, we also welcome Mr Hall's recommendation that, when considering the proportionality of a TPIM and its measures, the TPIM review group should expressly identify the passage of time since the previous TPIM review group meeting as a factor weighing against continuation. We are confident that the review group already routinely considers this matter, but we are considering whether it can be more formally adopted into this process.

Finally, on legal aid, such decisions are a matter for the Legal Aid Agency. They are made independently of the Government, in accordance with the legislative framework. I hope that gives some answers to the points that the noble Lord raised between now and the publication of the government response in full.

Returning to the Motions before us, although at times opposing opinions have been expressed about the provisions of the Bill, not least the changes being made to TPIMs, my noble and learned friend Lord Stewart of Dirleton, my noble friend Lord Wolfson of

Tredegar and I have been very grateful for the co-operative spirit in which these debates have taken place. We particularly thank noble Lords with whom we have discussed the Bill directly to share their thoughts on key issues regarding some of its provisions, particularly the noble Lord, Lord Anderson of Ipswich, the noble and learned Lord, Lord Thomas of Cwmgiedd, and his colleagues on the Cross Benches and the Labour and Liberal Democrat Front-Bench speakers for the constructive approach they have taken. We are grateful to the noble and learned Lord, Lord Falconer of Thoroton, and the noble Lord, Lord Ponsonby of Shulbrede, for Labour, and the noble Baroness, Lady Hamwee, and the noble Lords, Lord Paddick, Lord Marks of Henley-on-Thames and Lord Thomas of Gresford, for the Liberal Democrats. As the noble Lord, Lord Anderson of Ipswich, rightly pointed out, this has all been done under the watchful eye of our noble friend Lord Howe, to whom we are extremely grateful for his support, as well as to the Bill teams in both the Home Office and the Ministry of Justice.

I am very pleased that consensus has been reached today on this specific amendment and that the noble Baroness, Lady Hamwee, has indicated that she does not intend to press her Motion A1. The position that we have reached forms an important part of a suite of changes that will enhance an important risk management tool and ensure that our operational partners are supported in their vital mission to keep the public safe from terrorism. So, with thanks to all noble Lords, I invite the noble Baroness, as she indicated she would, to withdraw her Motion A1.

Baroness Hamwee (LD) [V]: My Lords, on the Minister's last point, I am not sure it can be called consensus, but we recognise the realities. He compared the opportunity for rehabilitation under a potentially five-year regime with one of two years. I was comparing it with one of four, but that whole issue is one for another day, and I have no doubt we will come back to this before too long. I am grateful to the noble Lord, Lord Ponsonby. We have recognised that the thinking among our Labour colleagues has developed somewhat. I am sorry that we have not been able to meet face-to-face to discuss all this.

The House benefits enormously from the experience and wisdom of the noble Lord, Lord Anderson, and the noble and learned Lord, Lord Thomas. I so much agree with the noble and learned Lord, Lord Thomas, about the importance of the attitude of the community that is affected—not in the same way, but nevertheless substantially affected—when a member of the community is made subject to a TPIM. The noble Lord, Lord Anderson, as ever, put the situation far better than I can, even though we arrive at different, very slightly different, conclusions. I thank the Minister, all his colleagues and the officials in the Home Office. This is not over as a matter that we will be keeping our eyes on, because the country has to. I beg leave to withdraw Motion A1.

Motion A1 withdrawn.

Motion A agreed.

2.07 pm

Sitting suspended.

Covid-19: One Year Report

Motion to Take Note

2.30 pm

Moved by Lord Bethell

That, for the purposes of section 99 of the Coronavirus Act 2020, this House takes note of the *One year report on the status of the non-devolved provisions of the Coronavirus Act 2020*, published on 22 March 2021.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, it has been a year since the House passed the Coronavirus Act, and this anniversary gives us a moment to reflect. Despite the remarkable challenges of the past year, the spirit of co-operation and consensus that epitomised the passage of that Bill at that time of national crisis stands firm today. Now, a whole year later, it seems that our legislative approach has stood the test of time.

Our response required using the tools that were already available, such as the Public Health (Control of Disease) Act 1984, and at the same time rapidly developing new tools such as the Coronavirus Act. This dual approach has enabled us not only to tackle the public health threat but to underpin our public health response with a broader package of civic and financial support.

At the time we looked very closely at the Civil Contingencies Act, and I know many noble Lords feel we missed an opportunity there, not least because it might have meant that we engaged more fully with Parliament, but also because it would have taken us down an all-UK approach that would have perhaps somehow have spared the pressure on the union. However, the truth is that that choice was never possible. The Civil Contingencies Act is a provision of the last resort and its use is subject to very strict triple-lock criteria. A change to the CCA would have been necessary for it to have been usable. Instead, we used the Public Health Act 1984 to enact most of our public health legislative responses to the virus. It is an unloved Act, and many suggest we stretched it beyond its intended purpose. That is not true. We used it for what it was designed to do: to protect the population from communicable diseases of pandemic proportions. Indeed, the Act had been enhanced after the swine flu pandemic in 2008 with amendments specifically to enable a rapid response to a pandemic. Further, we chose to use the 1984 Act because it was and remains preferable to use existing powers. It was and is the right way to respond.

The 1984 Act provided us with many of the tools to respond to the public health risk, but it did not give us everything we needed. We needed to support our people: individuals, businesses and the economy; to shore up the capacity and resilience of our health and care systems; and we needed the continued delivery of essential public services. These are the three reasons we introduced the Coronavirus Act and, one year later, they are the reasons why we still need it. Yes, vaccines are happening at breakneck speed, but we are not out of the woods yet. We all need the continuation

[LORD BETHELL]

of this support and, while it is still required, it is our duty to provide it. The continued need for this dual legislative approach does not mean that we should remain static. A key feature of our response has been our ability to adapt and to respond to a changing set of circumstances, and this is precisely what the road map and today's legislation are about: taking cautious steps towards ending public health restrictions and getting back to normal.

I will take a moment to reflect on a few of the benefits and achievements of the Act. It enabled the temporary registration of over 15,000 nurses, midwives and nursing associates, as well as over 21,000 temporary paramedics, practitioners, radiographers and other professionals. It has eased the burden on front-line staff by reducing administrative tasks, so that their time can be focused on where they are most needed. It has facilitated innovation, with comprehensive indemnity arrangements that give clinical staff the confidence to treat their patients to the best of their ability. The Act has allowed us to provide key financial support and resilience to individuals and businesses impacted by Covid-19 through schemes such as the Coronavirus Job Retention Scheme, the Bounce Back Loan Scheme and the Self-employment Income Support Scheme.

The Act has preserved access to justice by enabling 750,000 hearings to take place through remote technology. Section 78 of the Act has enabled local authority meetings to take place either remotely or in hybrid form. Death rates are now coming down, but it is worth remembering that we used the Act to guarantee the continuation of death management services, easing the administrative burden at a time when funeral services were struggling and the nation's morgues were almost overwhelmed. Section 18 of the Act modified death and stillbirth registration; since the provisions came into force, nearly 95% of death registrations in England and Wales have been completed by telephone.

I completely acknowledge that some aspects of the Act cause noble Lords concern. We did not take the measures lightly and we do not use them freely. However, it remains vital to have the ability to take appropriate action for our response to be effective. These key functions that I have just described illustrate why we seek Parliament's approval today to keep the powers in place.

When we introduced the Coronavirus Act a year ago, we were clear that this was only a temporary measure. We made a promise to Parliament that we would not keep any provision in place for longer than was necessary, and we have made good on that promise. In line with the spirit of the Act, we are dropping every single additional provision possible. Today we are announcing the expiration of 12 provisions, which represent nearly 25% of non-devolved powers. Recommending the expiry of so many provisions is a clear demonstration of our commitment to balancing the ability on the one hand to respond effectively and on the other to ensure that only those provisions deemed necessary and proportionate are kept in place.

We note our thanks to our colleagues in all devolved Administrations for their collaboration in working to expire so many provisions. In addition, we are also suspending a further three provisions; the full one-year

status report outlining the outcome of this review was laid before Parliament earlier this week. The temporary modification of mental health and mental capacity legislation is one example of a provision which we had already expired on 10 December 2020. We identified that these provisions were no longer required due to the commitment and resilience of NHS staff—and there is a long list of other provisions we have retired.

Over the course of the pandemic there have been all manner of unexpected twists and turns; just as the virus has evolved over time, our response has had to evolve. We worked hard to get the tiering system right, because we wanted a system that worked for the whole country. The differential approach we took last summer yielded significant results, for instance in Leicester, where the incidence rate decreased from 135 per 100,000 to below 40 by the end of August 2020. However, it also had its downsides: it led to more legislation and some confusion. The tier system was intended to bring consistency, but we have since realised that simplicity and clarity are absolutely paramount. The emergence of the Kent variant showed us the value of a national approach. Our learning from the tiers has also enhanced what we have been able to do in the road map.

I know that lots of noble Lords feel frustrated and like they have not been heard, but I want to reiterate that they have been heard, and we have been listening. We are sensitive to feedback, as demonstrated by some of the adjustments we have made. We have introduced support bubbles to enable people at risk of isolation to access their informal support networks. We have changed the rules on places of worship, keeping churches, mosques, synagogues and other holy places open for communal worship throughout the last lockdown. Today we are making an amendment to the self-isolation regulations to include additional exemptions to allow people to self-isolate to support a pregnant person as a birthing partner. We introduced shielding to protect those most at risk of the virus. We know, however, that shielding has been hard, and we listen to feedback and modify guidance wherever possible.

Noble Lords also asked for local authorities to be brought in, and they have, through the contain framework. Contain works closely with local authorities to understand the challenges they are facing and to help ensure that national responses provide the support local areas need. The challenge provided by parliamentary scrutiny over the past year has enabled us to make our approach more sophisticated, and the road map, with its emphasis on simplicity and clarity, has benefited greatly from these challenges and improvements.

We cannot stop now. There is more to do. That is why I am setting out the eagerly awaited sequence of steps to ease restrictions and lead us towards lifting limits on social contact by 21 June. We could not have reached this point in this journey were it not for the provisions and achievements of the Coronavirus Act, our world-leading vaccination programme and the perseverance and commitment of the British public. There are four clear steps which rely on four clear tests, each of which is underpinned by the scientific evidence. Opening too early or too quickly risks a further lockdown. Therefore, our approach focuses on data, not dates, which I know will be well supported here.

As long as we see no significant regional disparity, the steps for easing restrictions will be taken at the same time across England in a national approach. The first measures of step 1 took place on 8 March, with an amendment to the all-tiers regulation. As promised, we prioritised education, and all school and college pupils have now returned to face-to-face education. Alongside the pre-existing exercise provision, the regulations allow outdoor recreation with your household or one other person and make provision for the gradual reopening of care homes for visits. On 22 March, we laid the steps regulation, which enables us to move forward to the next stage of the road map and puts the remaining steps of the road map into law.

Today marks the start of a new chapter, one of progress and happier times to come, but it is only the start of the journey. We need to be cautious and not put the significant progress we have achieved so far at risk. I thank noble Lords for their continued, constructive challenge and all those who worked so hard on this cross-government, cross-public service movement to fight this horrible disease. I pay particular tribute to the noble Baronesses, Lady Brinton and Lady Thornton, who have made sure that their challenges have been heard and reflected on. Our approach has been better for it. It is not possible to namecheck everyone, but I single out thanks for all those NHS and social care staff, volunteers, returned healthcare staff, and the Army, who were involved in the deployment of the vaccine. Lastly, I extend an enormous thank you to the general public for continuing to follow the lockdown rules. The attitude of the public remains resolute. These measures are doing the lion's share of the work in protecting everybody's families and loved ones. I commend these regulations to the House.

2.43 pm

Baroness Brinton (LD) [V]: My Lords, on Tuesday, we marked the sad milestone of the anniversary of the first lockdown by remembering all those who have died from Covid in the United Kingdom. We know that the shocking number of 126,000 is an underestimate, given that the count is of those who tested positive in the previous 28 days, and there are many who died beyond that period. But even with that, we are top of the world league in deaths per million at 1,859. To every family and friend of those who have died we send our deepest sympathies.

Before I come to why we have tabled this regret Motion, it is important to note the things that have gone well, such as the commitment of so many people in key roles across the country—in the NHS and social care, and our scientists and technicians in laboratories. Especial thanks go to those in our universities and research organisations who have found treatments and, most importantly, vaccines. We thank all those who have ensured that the vaccine pipeline has worked so well so far. Despite bumps on the road, it is impressive.

We also want to thank the teams in the Civil Service, local government and communities which have stepped up to the plate to ensure that core services and voluntary community groups remained working. One year on, they are all exhausted. We thank Ministers too; we understand the pressure that Ministers face every day. Sometimes, we have to hold them to account, and I know that can be hard. We thank them all.

We on these Benches have not tabled this regret Motion lightly, but from a growing frustration that the Government are still behaving as if we were in the early days of this pandemic and have not learned the lessons of what went wrong earlier on. Monday's BBC "Panorama" programme interviewed the President of South Korea and asked him why the UK had done so badly, despite all the evidence from those countries that had been affected by SARS locking down early. His answer was telling. He said that each country in Europe appeared to have to go through its own crisis to understand the strong, clear actions it should have taken right at the outset, then repeatedly to prevent the virus escalating or re-entering the country. The UK death toll is, sadly, the evidence that the Government have got it wrong.

One year on, this has changed from a public health emergency to a civil liberties emergency, where women at a vigil for a murdered young woman are held to the ground by police with their knees on their backs. One year on, the Coronavirus Act has an unprecedented 100% unlawful prosecution rate. The CPS has identified at least 250 people being wrongfully charged. It is still causing enormous confusion among police and prosecutors, which is not their fault. It is not fit for purpose, but it cannot be amended today because we have a "take it or leave it" take-note Motion.

One year on, all people want are hugs and holidays with their families and friends, but the messages from Government are at odds with their own experts on how we make sure that mixing together and beginning to travel again are safe. Only on Monday, the Government published the annual review of the Coronavirus Act for the debate today. That report typifies much of the frustration we have with the Government's overall performance.

Last March, my noble friends Lord Newby, Lord Scriven and Lady Barker all pushed Ministers to ensure that there was information publicly available on the government website about powers in SIs being turned on and off. We were concerned that many regulations would be made under the Public Health Act, not the Coronavirus Act, which the Minister has referred to, and this has proved to be true. My noble friend Lord Newby asked the noble Earl, Lord Howe:

"At Second Reading yesterday, my noble friend Lady Barker suggested that the Government should produce a grid to explain which clauses of the Bill have been implemented, and exactly how. That is a very good idea and I hope the Government can accept it, but could they go slightly further by having, as part of that grid, a list of all the other provisions introduced to deal with the coronavirus, but not necessarily under this Bill? I cite, for example, the power to close restaurants and all other places where people congregate, which was introduced under the Public Health (Control of Disease) Act 1984. That would be helpful not only for specialists, as it were, like us, but for those who want to find and then look at the legislative basis for decisions."—[*Official Report*, 25/3/20; col. 1765.]

The noble Earl replied to your Lordships' House:

"The noble Lord, Lord Newby, proposed that the website report should be comprehensive. I believe I can give him that reassurance."—[*Official Report*, 25/3/20; col. 1772.]

But that has not happened. Only the SIs in relation to this Act have been covered. It is not fit for purpose.

[BARONESS BRINTON]

The Hansard Society's excellent SI dashboard tells us that last year, more than 400 SIs were published relating to powers in an astonishing 118 Acts of Parliament, five orders and five EU Acts, which are now held in UK law since 31 January.

On accountability, Ministers repeatedly said during the passage of the Bill a year ago that there would be special efforts to remain transparent and accountable to Parliament and the public. Too often, Ministers have not answered questions put to them in Parliament, nor written to answer them afterwards. Fols are often answered late and without real information. Details of dodgy contracts are not published, nor are the arrangements for the so-called VIP channel that gave fast-track access to many Tory donors and friends. The Liberal Democrats will not give a blank cheque for this cynical bypassing of the long-established and respected transparency and accountability of Ministers and Government to Parliament. It is not fit for purpose.

The Act sets in place the arrangements for furlough, the self-employed, those self-isolating and those shielding if they work in non-Covid safe spaces. But millions of the self-employed have fallen through this safety net. Thousands who needed support to self-isolate found that they were turned down because the rules were too tight, and those shielding will have their benefits turned off from next week but are still told that they must not mix with people in non Covid-safe workplaces. This Act is not fit for purpose.

The SIs in front of us continue to typify some of those contradictory issues. On international travel, there will now be a £5,000 fine for someone going on a package holiday to Greece. But the Prime Minister's father is allowed to go to Greece to deal with his property there—the Stanley Johnson special treatment clause.

SAGE advised the Government on 21 January this year that

“No intervention, other than a complete, pre-emptive closure of borders, or the mandatory quarantine of all visitors upon arrival in designated facilities, irrespective of testing history, can get close to fully prevent the importation of cases or new variants.”

We agree with SAGE. Until we take every step to ensure that new variants of coronavirus cannot be brought back into the country, it cannot be allowed to run rife in our communities because we lock down too late. When we will learn from South Korea, Taiwan, Australia and New Zealand that the only way to save the economy is to fight this virus hard and not create special rules or confusing laws? This Act is not fit for purpose.

I move on briefly to the arrangements for international travel covered in the SI on the steps to unlocking. Yesterday, the Prime Minister said that there was no need to test haulage drivers as they arrived in the UK, despite the fact that those leaving the UK have to be tested. At the Liaison Committee he was clear on this matter. Everyone accepts that drivers of haulage vehicles must be on the excepted occupation lists; we understand why it is difficult to make them quarantine. The government website lists such drivers and the specific arrangements for each of the excepted occupations. I was shocked to see that, unlike virtually all the other excepted occupations, drivers arriving from non-red

countries do not need to take any tests at all, not even on days two and eight, as most others do. We accept the argument for some excepted occupations but a system under which drivers have no testing requirements at all is not fit for purpose.

In recent weeks Public Health England was trying to trace an unknown individual who had brought the Brazil variant into the country. New international travel regulations had already come into force, three weeks before, but it beggared belief that there was no link between testing and people quarantining—or worse, that there was no system to ensure that anyone taking a test could be tracked back to where the tests were sent. That is not fit for purpose.

Today's new issue is about the use of vaccine passports in England for access to pubs and other venues as lockdown is lifted. Yesterday, the Prime Minister said at the Liaison Committee that he saw a role for domestic vaccine passports. Today, sensible people such as Jonathan Neame of Shepherd Neame pubs explained why that is complex and asked rightly who will police it and make decisions about those who cannot or have not been called for their vaccines. Will it be a young member of bar staff? Surely not.

One year on, there is no recovery plan looking forward, just crisis regulations being created and statements made that are then contradicted or discovered to be only half what was needed to prevent more cases. Where is the plan that will demonstrate that the Government are moving out of crisis mode and are prepared to remove all those regulations that we no longer need, and which put constraints on people's lives?

Last week, the National Audit Office said that many of the Covid contracts relating to PPE and testing were not value for money and, worse, not transparent. We agree. Last June, Ed Davey MP asked the Prime Minister to agree to an independent public inquiry. He did agree, but there is still no information about what or when. Worse, there was not even an interim review last summer to learn the lessons from lockdown one, which might well have helped reduce the slow lockdown before Christmas that caused many thousands of unnecessary deaths.

I have read with interest the Motion to Regret in the name of the noble Baroness, Lady Thornton. I hope that she and her colleagues can support ours. Her frustration with the Government's management of the pandemic is evident, too.

In conclusion, we stand at a crossroads. We are no longer in the emergency phase that we were in a year ago. Parts of the legislation are now either out of date or unworkable and that needs to be remedied. The Government must show Parliament that they can put the recovery first. They should follow the advice of their experts, bring a plan to Parliament and the people, and deliver it.

I will be calling for a vote on my Motion in order to test the opinion of the House.

2.54 pm

Lord Hunt of Kings Heath (Lab) [V]: My Lords, I first thank the Minister for his speech, and also for his very hard work over the past 12 months, which has been much appreciated. I thought that his speech was

noticeable for what it did not say as much as for what he included. Of course he was right to praise the work on vaccines; I salute the brilliance of the scientists, the scale and diversity of the UK vaccine procurement, and the magnificent effort of the NHS in vaccinating so many people. I also pay tribute to the Joint Committee on Vaccination and Immunisation, which has taken tough decisions, held its nerve and got it right.

However, in the words of my noble friend Lady Thornton's Motion to Regret, the Government's handling of the pandemic has resulted in

"one of the highest death tolls in the world and the worst economic crisis of any major economy".

This has been compounded by the fact that the most vulnerable in this country have been the hardest hit. We should not overlook the Government's slow and uncertain response. Their record has been one of delay, indecision and vacillation. The failure to lock down early enough last spring, despite clear evidence of the need to do so, was compounded, as the Resolution Foundation points out, by being repeated in September and then in December. Many Conservative MPs wish to do the same today by opposing the continuation of the provisions in the Act.

On this country's high death rate, we should never forget the inexcusable 20,000 Covid deaths in English care homes in 2020 or the fact that mortality rates in the most deprived areas have been almost twice those in the least deprived.

The review that accompanies these regulations speaks of the Government's commitment to protecting people's jobs and livelihoods. There is much to commend but there have been some real problems too. Many of the self-employed fell through the net. Some 2 million low earners are excluded from receiving sick pay; when they are asked to isolate at home without any protection of their employment, many have felt unable to do so. That contributed to the weakness of the test and trace system, which has been unable to provide an alternative to lockdowns.

An excellent analysis this week by the British Academy points to the many impacts that flowed from lockdowns, including people being unable to see family and friends, travel or take part in leisure activities. These impacts should of course ease quickly as lockdown comes to an end, but there is a set of deeper impacts on health and well-being, on communities and cohesion, and on skills, employment and the economy, that will have profound effects upon the UK for many years to come.

The worsening economic situation has exacerbated existing inequalities. Vulnerable people are more likely to be made redundant; women are more likely to bear economic and caring burdens; and private renters are more likely to have lost income than homeowners. There is a significant risk that an ongoing economic crisis could further exacerbate existing racial inequalities and deepen long-term scarring for younger people. If levelling up is to mean anything, it must lead to a determination to mitigate those significant impacts on generational inequalities, as the ripple effects are seen in housing, security, health, employment, social opportunities and relationships.

I ask the Minister: when do the Government intend to set up an inquiry into the handling of the pandemic? I echo what the noble Baroness, Lady Brinton, had to

say on that. It should be soon. Earlier this week, the noble Lord, Lord Kerslake, wrote, in relation to the huge scale of deaths in the UK, that some very big questions needed to be asked. Were we adequately prepared? Did the lockdowns come soon enough? Why was the handling of care homes so seriously misjudged? Could more have been done to protect those from BAME backgrounds? We also need an inquiry, because we must be better prepared for next time. Unfortunately, it may be all too likely that there is a next time.

I conclude by saluting all those who have made such a success of our vaccination programme and all the other work that has been done in the past year. But the repeated failure to act speedily to prevent the spread of the virus has not only cost thousands of lives but served as a warning that we can never be complacent. Never should we lower our guard and we should, without question, ensure that the essential provisions in the Act are retained.

3 pm

Lord Bilimoria (CB) [V]: My Lords, Covid-19 was an unpredictable and unprecedented crisis—a health crisis, an economic crisis, a supply shock, a demand shock—reverberating across the globe. It came out of the blue. How you deal with, respond to and adapt to crises is what matters. The Covid-19 crisis has brought huge emotional tragedy, with sad deaths and a social and economic toll. It has forced us to reckon with the things that mattered most to us as a society and instilled a deep-rooted desire to build back better, looking ahead.

Also, the crisis has seen the best of what business can do in the service of the nation. I declare my interest as president of the CBI. Our UK economy has so many strengths. We have just 1% of the world's population but six of the world's 30 best universities, 12% of Nobel Prizes, and 16% of the highest-rated research papers. We are recognised globally as a magnet for international students, start-ups, and entrepreneurs and inward investment. The World Bank consistently rates us as one of the best places in the world to do business. Now we need to harness that expertise and ambition as we build back from the crisis, creating jobs, opportunities and shared prosperity across the UK. This year, 2021, is a golden opportunity for the UK to redefine its position in the world.

Right now, businesses are focused on Covid and keeping employees, customers and communities safe. We need to look ahead to the next quarter, the next year, the next decade. At the CBI, we have worked closely with the Government and are grateful for the huge rescue packages, including the furlough scheme, which have saved millions of jobs and businesses. The Budget was a seminal moment and, overall, it succeeded strongly in protecting the economy now and helping to kick-start recovery. The Chancellor has spent more than £400 billion. He has also set out a longer-term economic vision and a further boost to investment. We at the CBI will soon come out with our economic vision for Britain over the next decade to 2030.

To improve business confidence, companies would welcome greater clarity about the evidence base for why the working from home message is not evolving with restrictions, alongside guidance about what companies can and cannot instruct their employees to

[LORD BILIMORIA]

do in certain situations. The potential availability of home testing is increasingly seen as a crucial enabler for employers. We welcome long-term clarity about workplace testing because businesses see the vital role that testing can play in combating Covid-19 and reopening the economy. Through workplace testing, many have noted the benefits of being able to detect asymptomatic cases that would otherwise have gone unnoticed.

The CBI has also submitted evidence to the Global Travel Taskforce, calling for

“A risk-based roadmap for re-opening ... A platform for UK leadership in reopening global traffic, supporting, amongst others, the country’s world-leading aerospace, international high-speed rail and maritime sectors.”

Full credit needs to go to Kate Bingham, who headed the Vaccine Taskforce. She was appointed on 18 May last year. Less than seven months later, on 8 December—V-day—we saw the first inoculation. An amazing three and a half months later, almost 30 million people have been inoculated. Full credit also to Nadhim Zahawi, our Vaccinations Minister. I predicted that we would be able to do 1 million vaccines a day; we did more than 800,000 and, if the supplies are there, we should be able to.

However, we should note what one leading vaccine manufacturer said:

“Our vaccine contains 280 different components that are manufactured in 86 different sites across 19 different countries.”

Any disruption to this supply chain would affect supply. The Oxford/AstraZeneca vaccine was developed with AstraZeneca headquartered in Cambridge in partnership with the Serum Institute of India, with 1 billion doses contracted. Wow—it is phenomenal. We have 400 million doses, three approved vaccines and two more coming down the line. The Prime Minister has already said that we will share our surplus vaccines with the rest of the world. Vaccines, mass testing, a travel protocol and a reopening road map will help tourism and business travel and the hospitality sector, which suffered so much. Can the Minister confirm that, if the numbers of sad deaths and hospital admissions go down to zero before the dates, including 21 June, the economy can reopen sooner, safely?

Finally, what about therapeutics? We are not talking about them enough. Can the Minister tell us about them? They could be a game-changer. Dexamethasone was one. There is Regeneron in the States. *Nature* published an article on EIDD-2801. There is Ivermectin, a cheap, off-patent, anti-parasitic drug; Oxford University has already started trials. Israel has invented an inhaler that it claims cures Covid-19 in just five days.

One year on and three lockdowns later, the pandemic has seen uncertainty, ambiguity, tragedy, bravery, resilience and adaptability at speed, with government, universities, businesses and citizens all collaborating and working together in a caring, compassionate and empathetic way, which makes me so proud of our great country.

The Deputy Speaker (Baroness Watkins of Tavistock) (CB): I call the noble Baroness, Lady Noakes.

3.05 pm

Baroness Noakes (Con): My Lords, I am sorry; I was carried away by the previous speaker.

Noble Lords: Oh!

Baroness Noakes (Con): It is some time since I have spoken in a coronavirus debate in your Lordships’ House but my issues with the Government’s policies are fundamentally unchanged. The Government continue to make policy in a coronavirus vacuum as if the only thing that matters is the virus and its impact on the NHS. There are clear non-Covid health harms, which are almost too many to mention. The physical health harms include mistreatment, misdiagnosis and elevated non-Covid deaths. There is a huge backlog of NHS work. Mental health issues include 80% of teenagers suffering a mental health symptom, with a disproportionate impact on those from lower socioeconomic backgrounds. We will be living with—and dying from—the impact of these health harms for a generation.

Similarly, our economy will pay a heavy price for many years, with public sector net debt over 100% of GDP and the threat of higher taxes to pay for that. Unemployment data are being dampened down by the various financial support schemes, but we will inevitably see further business failures and job losses when that support ceases. It is already having a big impact on younger employees, and those entering the job market face an uncertain future.

In policy terms, getting the balance right is inevitably a highly complex judgment. However, it should not be the preserve of a few in Whitehall. The Government have not had a grown-up conversation with the country about trade-offs and priorities; nor have they put any meaningful data and analysis in the public domain. I have often wondered whether the Government have the analysis and have suppressed it or there is wilful blindness at work. We probably will not know until there is a full inquiry in due course.

The non-Covid health harms and excessive economic damage are bad enough but I have been shocked at the loss of civil liberties, coupled with heavy-handed and insensitive policing. The sad thing is that too many seem to enjoy these new powers over ordinary people. I never thought I would live in a country where a police officer intervenes because two old women are having a cup of socially distanced tea, or because sitting on a park bench to rest was not permitted. Although I completely understand the need to be able to place restrictions on those entering the UK in case they are carrying the virus—especially new variants of it—I completely reject the notion that the Government should stop its citizens leaving the UK and fine them if they try to do so. Whoever thought that up should be sacked. It is just not British. We have travelled too far into totalitarianism.

The noble Baronesses, Lady Brinton and Lady Thornton, have tabled Motions that compete to name the most politically motivated regrets. I will support neither of them. However, I agree on the 252 cases of wrongful prosecution. It is shameful that the Government are not removing Schedule 21 to the Coronavirus Act today; as we have already heard, it has led to a 100% unlawful prosecution rate. It must be a modern-day record for bad legislation.

I regret that the road-map regulations are based on dates, not data, and seem to be immovable by data. They ignore, or largely ignore, the impact of the

vaccination programme on those who are the most vulnerable to Covid-19. We should have been completely unshackling the population by now. Instead, the token freedoms offered in April are an insult. I predict that they will be increasingly ignored; I shall not condemn people for doing so.

Today, the Government should not be renewing the temporary provisions of the Coronavirus Act, as the other place is being asked to do. It would not, as the Government have misleadingly suggested, strike down the coronavirus support schemes, because they do not rely on one of the temporary provisions, nor would it affect the main regulations before us today, which are made under public health legislation. It is time for the Government to get out of how we live our lives. We have to learn to live with the virus, which means that individuals have to be trusted to make their own risk assessments and take responsibility. That is the only route back to the country that I thought I lived in.

3.11 pm

Baroness Barker (LD): My Lords, a year ago, when little was known about the virus, the Government, through the legislation whose renewal we are debating today, assumed unto themselves unprecedented powers, with little accountability or scrutiny. One year on, when much more is known about the virus, the Government are at it again in the renewal of this legislation.

A year ago, we on these Benches said three things. First, the way to minimise the impact of this virus would be through local public services, with professionals, such as environmental health officers knowledgeable and skilled at managing public health emergencies, and trading standards officers accustomed to managing premises and businesses from a health point of view. We also pointed out that local authorities' budgets had been hollowed out by 40%. Since 2012, the public health budget has had £800 million removed from it. We called for the resources to be put into locally led Covid responses, supported by national initiatives, and the Government completely ignored that. They set up centralised systems that were vastly expensive and did not work.

A year on, the Government have finally got the message. I understand that the track-and-trace system will now be turned over to local authorities. I specifically ask the Minister this: of the £37 billion that was allocated to track and trace, how much is left at the moment and how much will be given to people in local government who, for years, will be picking up the pieces from the impact of this on local communities?

The second thing we said was that the Government's key responsibility in the pandemic was to be open with people about the basis upon which they would legislate to restrict people's liberty. We said that clear communication would be essential to ensure compliance and trust, as was an understanding that the rules would be applied fairly to everybody. For months, they were not because of two words: Barnard Castle.

The same is being done again with this legislation. As my noble friend Lady Brinton pointed out, it is not legal for somebody to go abroad to tend to a sick or dying relative, but it is legal for them to attend to a holiday home. That is unacceptable, as is the extension of the existing legislation that enables police forces to

determine which, if any, protests they will permit and police. That is not the way to maintain the confidence of the public, who have been remarkably forbearing and compliant in this last year. We need people to continue to have faith in the public health messages that they are being given, because this is not over and will not be for several years.

A year ago, we said that the renewal of this legislation should not be on a "take it or leave it" basis. We said that some government forecasts would inevitably be accurate, and some would not. Therefore, we would need to be prepared for what happens. A year ago, we said that having an effective vaccine would be a game-changer and that a lot of the legislation would no longer be necessary. It stands to reason that renewing the draconian powers to detain people is not necessary now.

The country now needs a legislative framework that is based on the lessons that have been learned over the last 12 months, which assumes that there will be localised outbreaks and recurrences of the virus, because that is what the epidemiologists tell us will happen. We need to equip local authorities to manage them to safeguard the health and well-being of communities and businesses, as they come out of this.

Finally, the treatment of care homes and those who live and work in them is the most shameful aspect of this pandemic. At the moment, the Government appear hesitant to say that there should be a requirement for people who either work in or are resident in care homes to be vaccinated. Yesterday, I listened with great care to the spokesperson for Barchester Healthcare, one of the biggest providers of care homes in the country, who basically said that businesses are implementing policies because both their customers and their staff want them to. I suggest to the noble Lord that it should not henceforth be permissible for companies or providers of care home services to require new staff to be vaccinated. The Government should work with providers of residential care, particularly that which is publicly funded, to ensure an increased uptake by staff over the next year, so that we make sure that the people who continue to need care can do so safely.

3.16 pm

Baroness Donaghy (Lab) [V]: My Lords, I support the regret Motion in the name of my noble friend Lady Thornton. In response to the contribution from the noble Baroness, Lady Noakes, we do not always agree but, on this occasion, I agree with her that we need to think about the non-Covid impacts on health and the economic deprivation that has taken place. If we had had improved efficiency and a decent strategy from the Government, they would have helped to put the balance right. I welcome the full inquiry that she is looking forward to, in due course, and hope that she joins us in calling for it.

I am grateful to the Secondary Legislation Scrutiny Committee for its work on these matters and for drawing them to the attention of the House. Therefore, I ask the Government for more detail on the process by which this legislation will be amended to bring subsequent steps into effect. Secondly, will local hot spots of infection delay the lifting of national restrictions? Thirdly, how frequently will changes between steps be made?

[BARONESS DONAGHY]

As is mentioned in the Motion, the scientific advisory group said on 21 January that

“targeted travel measures that apply only to countries that have detected specific variants of concern (and their neighbours) are unlikely to be completely successful in stopping new introductions of these variants into the UK”

The travel measures took effect on 15 February, 25 days after the statement by SAGE and with no parliamentary scrutiny. Around 19 out of 20 people entering the UK will not be required to quarantine in a hotel, but in their homes, and only three of every 100 people are checked to ensure that they are complying while in their home quarantine. How can these regulations be described as safety measures? We need a comprehensive policy on hotel quarantines to ensure compliance with regulations, not just bombastic speeches.

I am also curious to hear that, if you have a second home in Europe, you can travel, but not if you are simply going on holiday to a property that you do not own. Does that mean that ownership of a foreign property represents a new form of vaccine and, if so, does it need two doses?

Finally, the Secretary of State for Health has announced the setting up of a new organisation next month. The UK health security agency, led by Jenny Harries, is welcome. Matt Hancock said it would have “the very best team possible from around the world.”

He went on to say that the

“UKHSA must plan, it must prevent and it must respond. UKHSA must be ready.”

I am deafened by the sound of slamming stable doors. These are the very “must”s that the Government should have carried out in this last, tragic year.

3.20 pm

Baroness Finlay of Llandaff (CB) [V]: My Lords, the National Mental Capacity Forum, which I chair, recently ran its eighth fast-track webinar during the pandemic. We called it “The good, the bad and the ugly”. I will focus on those three categories: good things we want to keep, bad things we should change and ugly things we must never see again.

The speed with which medical and public health research has been approved, instigated and reported shows that past bureaucratic systems can be abandoned. The speed of innovation has been impressive. The rapid return to clinical registers of doctors, nurses and other healthcare staff from retirement was commendable, but many were underutilised. Their knowledge and wisdom should be retained to mitigate shortages in NHS manpower by employing them to what they can do well to provide support to patients through availability for remote consultations and hundreds of other roles.

We should commend those who coped with the very difficult task of the terrible catalogue of deaths. Absolutely nobody wanted to see what we have seen. The bereaved will live with those memories for the rest of their lives. One of the greatest failings has been inappropriate rigidity and inflexibility over visiting when people were dying. We must balance risks and ensure that infection control and emotional support are achieved without compounding the anguish that so many have experienced. The inability to be with the person you love and to say goodbye has been awful.

We never want to see it again. Blanket policies failed. The term DNAR, or do not resuscitate, is dangerously imprecise. The Care Quality Commission emphasises respect, open discussion and clarity over CPR.

Many of our simplest public health measures have been far too slow to roll out, compounded by mixed messaging. As a Bevan commissioner in Wales, I supervised the Distance Aware project—a simple prompt now adopted wholesale in Northern Ireland. We need to remain distance aware, probably for years to come, using the protective function of face masks and handwashing as basic infection control. Westminster must work better with the devolved Administrations for recovery.

We must also avoid vaccine complacency, maintain infection control and embrace new ways of working through the rapid rollout of technology, with working, voting, consultations and even mental capacity assessments online. But online living risks promoting loneliness, which has become an enormous problem. Safe meeting places, such as the hospitality sector, sports facilities or the myriad voluntary sector support services, are an important part of our infrastructure. In doing all this we must tackle head-on inappropriate use of alcohol and recognise the associated harms with its links to violence. Nutrition policies need to change to recognise the links between malnutrition, obesity and loss of life years.

We will never go back to where we were. In easing restrictions, consistent UK-wide messages based on evidence are essential. We face difficult decisions. We need to tackle social inequities far better, respect local and devolved services, which know their own communities, and build resilience for the next generation.

3.24 pm

Lord Lansley (Con): My Lords, I am grateful to my noble friend for his introduction to the debate. I hope he will forgive me if I do not look back at all. I want to look forward. There will be occasions to look back and review what has happened, but what is more important at the moment is to look forward constructively at how we take things from here.

Therefore, I will focus on the road map. I would be very surprised if this is not the experience of noble Lords across the House and those in the other place: we are constantly being asked by people what the rules are and what it is they are supposed not to do, or are allowed to do. The noble Baroness, Lady Donaghy, just illustrated the point. One can see the point about homes overseas on page 70 of the steps regulations. If one owns properties abroad, one is able to go there for the purpose of buying it, selling it, letting it and enabling people to move in; one is not allowed to go there to have a holiday in it. That may or may not be the right decision, but that is what the rules say. It is absolutely illustrative of the general problem. The public are becoming very confused about whether we are going back to tiers. What is a “step”? What are the four steps relative to the tiers? What are the four tests that we have to apply?

However, I think the public have in their minds, correctly, that there has been a first modest relaxation, there will be a second on 12 April, a third on 17 May and a final one on 21 June. These instruments will

then expire on 30 June. I urge my noble friend the Minister and the Government not to shift those dates. Although I would not go all the way with my noble friend Lady Noakes's argument, she was quite correct to say that the down sides associated with maintaining a lockdown are now substantial. We have suffered a tragic loss of life and a deeply depressing loss of livelihood, but we are now getting on top of the virus in this country.

My point is that, of those tests, the vaccine rollout is doing better, the reduction in hospitalisations is going faster and the reduction of pressure on the NHS is going better than any of us dared to hope. The only other is variants of concern, which are clearly being managed well by test and trace and the approaches we are taking in this country, but less well in other countries. The issue is not about sustaining large-scale lockdown in this country but about focusing on the borders. Let us look at the circumstances in which people enter this country. I am with my noble friend Lady Noakes: I do not think we are in the business of stopping people leaving the country, but we have to be very careful about the circumstances in which they return and what then happens. That does not mean hotel quarantines for the population generally, but obligations to self-isolate and to undergo testing.

I strongly urge on my noble friend Minister that we focus on that, and insist that we want to maintain this road map and those dates, and that we want to end the lockdown. We do not want further mental health problems, isolation for the elderly and loss of livelihood for many industries. We therefore need to co-operate collectively very strongly on making sure that if any of these variants—Brazilian, South African or any others that may come along—emerge here, we get test and trace to hit them very hard. The arguments about test and trace have always been misplaced. When the virus is widespread in the community, test and trace can barely do its job, but with the variants of concern, where there are relatively few, test and trace is—and has shown that it can be—a very effective instrument. I urge that that is where we put our effort and that we focus on our borders.

3.29 pm

Lord Scriven (LD): My Lords, one year on, when the situation has changed, so should the response and the laws required to deal with the next phase of the pandemic. With over 126,000 people dead and many families missing loved ones this Easter, it should have been a time for the Government to seriously reflect on the approach required for the next stage of dealing with this public health challenge.

Despite some powers being dropped, the number of powers within the Act that have never been used or have hardly been used that will remain on the statute book, and the number that have been used repeatedly and incorrectly but also stay on the statute book, is telling. If the Government were committed to learning to improve the safety and resilience of the nation, they would have agreed to a public inquiry into the response to the pandemic—an independent assessment of what has gone well and what has not gone so well. That would have informed the changes that are needed in this Act and in future SIs.

The powers relating to “potentially infectious persons” under Section 51 and Schedule 21 of the Act have been used a total of 10 times by public health officers, but never by police or immigration officers, yet such powers are now also in the Health Protection (Coronavirus, International Travel) (England) Regulations, made under the Public Health Act. Why have two powers in two different Acts for the same issue?

As other noble Lords have said, the latest Crown Prosecution Service review of Covid prosecutions this week found that all six prosecutions under the Coronavirus Act in February had been incorrectly charged, bringing the total to 252 incorrectly charged, with not a single prosecution that was correctly brought. These powers are clearly not fit for purpose and are used in ways that unlawfully restrict individuals' liberties—a good reason why nodding through these powers is not in the best interests of citizens or of improving an effective public health response. These powers within the Act should be dropped.

Talking of keeping people safe, in the last year we had the situation of care and NHS staff having at times to wear binbags rather than PPE. Some of the PPE and communications procurements have a stench of cronyism hanging over them, coming to light only when organisations such as the Good Law Project have taken the Government screaming and kicking to court—donations of over £8 million made to the Conservative Party by some of those who have contracts, and existing and established companies thrown aside in favour of those who had links to the Secretary of State's WhatsApp messaging service or who were able to have meetings with the Minister in this House, who then had the door to the VIP channel opened and subsequently got lucrative deals. Companies with no record in health but who have run local pubs, manufactured pet food, or sold expensive jewellery, carpets and furnishing were given contracts for PPE via the VIP channel—in some cases for equipment that was not fit for purpose and did not meet UK safety standards. All those who had the golden door of the VIP channel open to them were 10 times more likely to get a contract than those established suppliers of PPE who did not get on to that channel, along with the eye-watering fact that up to three times the normal market rate was able to be claimed before serious questioning or auditing of such quotes was done.

I am sure that the Minister, as always, will gloss over this appalling cronyism. If there is nothing to hide, why do the Government still refuse to publish who nominated companies to go via the VIP channel and what recent contact they had had before companies got on the channel? It is telling that the National Audit Office report notes that, in some cases, the appropriate paperwork around those in the VIP channel was not kept. When the public inquiry comes, it will show that, at a time when we required procurement of the highest standards, some were more bothered about greed and used their contacts to pursue that. This review of the Act should have had a clause inserted promoting more open, transparent and ethical procurement.

Back in March 2020, these Benches indicated that the powers in this Act had to be proportionate to the health risk we faced, which required an equal partnership between local and national government to ensure that

[LORD SCRIVEN]

the response would keep people as safe as possible. On both these issues, the Government did not listen and are still not listening and acting to fully unleash the talents and skills of those in communities up and down the nation to improve the way we tackle public health issues. It is for those reasons that I will support my noble friend Lady Brinton's regret Motion.

3.34 pm

Lord Moynihan (Con): My Lords, today we are considering a range of important measures for the immediate future and the gradual and phased aspirational exit strategy from the epidemic. I say to my noble friend Lord Lansley that I believe that it has to be aspirational, because we cannot conceivably predict with accuracy the numbers involved and have to remain flexible in our approach to the road map, however difficult that may be. I remain supportive of the Government's approach to the pandemic and the success of the vaccine programme, which requires only a brief look over our shoulders to Europe to see just how difficult the planning and implementation of such a programme has been. I also welcome the caution expressed by government in light of the new high levels of infection in many European Union countries.

In my view, the way out of the crisis has always been a race between vaccine and virus. Add to that the challenge of encouraging as close to universal vaccination as possible with the ability of existing vaccines to protect against new variants and you have the key determinants. While we aspire to return to some normality, there will be—as the noble Baroness, Lady Finlay, rightly said—some long-term changes in behavioural patterns that will be welcome, including instinctive social distancing and improved hygiene. But I ask my noble friend the Minister whether the Government are also planning to deliver a booster jab for the whole population towards the end of the year, similar to the annual flu jab, taking into account any changes to variants and our response to those variants at the time. How advanced are any plans for a Covid booster?

In all our debates looking to the future, I have argued for the need for government to focus on delivering a “build back fitter” programme so we can address the serious challenges with an exceptionally unfit cohort of young people, who are understandably bored, necessarily denied access to team sports and physical education, leading an impoverished lifestyle and suffering from loneliness. As we emerge from lockdown, affordable access for everyone to an active lifestyle—to clubs, fitness centres and dual-use school facilities—and local community engagement with sport and recreation will be essential. The emphasis has to be on affordability and access.

The Minister has responded to this by assigning the DCMS to be the lead department. While I respect his comments, I suggest that it is his department which should take the lead. The well-being and fitness of the population is the strongest deterrent to high-cost calls on the NHS for healthcare provision ranging from widespread obesity to many more related conditions. I hope that the pathway out of this crisis will lead to a more active population than in any year of our lifetimes.

That should be our goal, but it requires preparation and engagement now. Government leadership is needed for a national plan for an active lifestyle.

Nowhere is this more important than for disabled people, whose lives have been the hardest hit by Covid-19. For many disabled people the key loss has been their confidence—confidence which, for the visually impaired, has been dented by lack of engagement with society and the habit which comes from commuting and the normal daily lives they once enjoyed. The Activity Alliance's annual disability and activity survey found that:

“Twice as many disabled people felt that coronavirus greatly reduced their ability to do sport or physical activity compared to non-disabled people”.

The pandemic made disabled people feel that they do not have the opportunity to be as active as they want to be compared to non-disabled people. A fear of contracting the virus, the impact on their health, and a lack of space and support to be able to exercise safely at home have been significant barriers for disabled people, and almost a quarter of disabled people stated that they had not received enough information about how to be active during the pandemic.

Sport England is doing excellent work with its £20 million Tackling Inequalities fund to try to reduce the negative impact of Covid-19 on activity levels among disabled people and underrepresented groups. But the £20 million in the fund needs to be substantially increased—it certainly needs to be doubled.

Priority out of lockdown is now essential for disabled people. I hope my noble friend the Minister will prioritise the requirements of the disabled, providing some sunshine after rain for so many people whose confidence has been knocked, which in turn has added to their substantial existing challenges caused by impairment and disability.

3.39 pm

Baroness Andrews (Lab) [V]: My Lords, I support these regulations but I am also glad to have the opportunity to support the regret Motion in the name of my noble friend. A year ago, we were shocked to hear that 20,000 deaths would be considered a good outcome. What, we asked, would be a bad outcome? Sadly, we know that now: 126,000 deaths, which is a dreadful figure, with so many of those deaths being avoidable. I remember vividly our first meeting with Chris Whitty in early March last year. He told a packed meeting of this House—packed into Committee Room G—that some people would have to go into isolation for three months. A year later, we are counting the costs which had not been identified at that point—in terms of mental health, domestic abuse, jobs, loss of learning and loss of life.

Vaccination is an act of solidarity as well as one of personal protection. The Motion identifies the urgent need to support those groups which are still fearful and will bring further risk to their communities. It would be fatal if Covid were to become a residual disease of poor communities. My first question to the Minister is: can he give us an update on how effective the latest campaigns have been in reaching those who are still reluctant and what other plans does he have in mind?

The Motion also recognises the challenges facing the NHS going forward: increases in waiting times and staggering waiting lists. Can the Minister tell us what the modelling shows about the relationship between bringing waiting times down within the next year and the funding that has been made available? In simple terms, how long will it take someone who has now been waiting for over a year for a hip operation, previously done in three months, to get that done?

Beyond the Motion and the many detailed and specific questions which have already been put to the Minister, I want to raise a few longer-term issues. This is indeed a moment of reflection. As we move into a cautious freedom, the exam questions include: how can we ensure that the progress that has been made is sustained and that we can mobilise quickly against dangerous variants? Here I share the anxieties of the noble Lord, Lord Lansley. Perhaps the Minister can answer the question that the Minister in the other place failed to address at all. Why is it that, according to the Explanatory Memorandum:

“Our assessment of the risks is not fundamentally changed by new Variants of Concern”?

This is particularly perplexing. This morning another scientist, Sir Jeremy Farrar, emphasised that the greatest risk currently is from imported variants. Given our vulnerability to variants, does the Minister agree that it is absolutely essential that we maintain the agility of our research base so that our amazing scientists and medics can anticipate and respond? This is a global task.

Is the Minister also aware that one of the reasons, in all probability, that we were so unprepared for Covid was because after an initial spike in funding in response to SARS and MERS in 2005 and 2015, research funding, especially in public health, dropped like a stone? I argue that if that funding had been maintained, we might have had a better understanding of Covid-19 and have had a vaccine closer to hand. Does the Minister agree that the planned cuts to the science budget of more than £1 billion—equivalent to the research and innovation budgets for the MRC and the Science and Technology Facilities Council combined—is madness? How will this help the country prepare for the next pandemic? Can he also say how the planned cuts of £120 million to the UKRI ODA funding will help the world fight further pandemics? So much for being a global science superpower and so much for being prepared for the next pandemic.

The Government did not plan for the Covid pandemic because they were too busy with Brexit, so I would like to have some confidence that they will plan for the next. That is precisely why we need a public inquiry as soon as possible, not least to clear up some of the confusions that the Prime Minister in particular seems so gifted at creating.

The Prime Minister has been saying for some time—indeed, as far back as July last year—that one of the reasons the pandemic got out of control was because the one thing nobody knew early on during the pandemic was that the virus was being passed asymptotically from person to person. This is simply not true. The issue of asymptomatic transfer was known to SAGE in February and mentioned in the Chris Whitty meeting with us in early March. The Prime Minister was challenged on this in July. No retraction was made and

he repeated it again this week at his press conference. Will the Minister correct this and put the record right in this House?

It is to expose the truth behind some of these assertions, which seem to be the Government building a case for exoneration, that we need a public inquiry as soon as possible. We need answers about how the Government intend to plan for the health security of this country, not just for the rest of this year but for the next decade at least.

3.44 pm

Baroness Tyler of Enfield (LD) [V]: My Lords, I support the Motion in the name of my noble friend Lady Brinton. As we reflect on the past year and think about life as we start to emerge from lockdown, I want to focus on two issues: the loneliness and social isolation caused by the restrictions and the impact of the lockdown on our national mental health. While the road-map regulations offering the prospect of easing the lockdown will bring hope after such a difficult year full of personal sacrifice, we should be mindful of those who have experienced extreme isolation, in particular people who have been shielding, single parents, older people living alone and care home residents who have been deprived of contact with their loved ones. Many people are also grieving the loss of loved ones. There is much to be done by government, local authorities, the voluntary sector and local communities to support mental well-being and help people to reconnect with their community.

The All-Party Parliamentary Group on Loneliness published a report yesterday calling on the Prime Minister to commit to helping people to reconnect socially and to plan for England’s recovery from coronavirus. A raft of individual recommendations highlighted the need for public spaces to be more welcoming, and for more public toilets and better street lighting to make it easier for people to meet informally and safely. It also calls for long-term funding for charities which help those who are isolated. Can the Minister say how and when the Government will respond to these important recommendations?

The past year has left an indelible mark on everyone’s mental health. Not being able to travel abroad to see family members and loved ones, including not being able to see new arrivals to the family or attend family funerals, has been particularly tough. While we all look forward to the day when international travel is possible again without endangering public health, we need clarity and, above all, fairness. The current exemptions that allow trips for the purchase, sale, letting or rental of a residential property are, in my view, unlikely to pass the fairness test in most people’s minds.

I know from personal experience how difficult it has been not being able to visit loved ones in care homes and the impact that has had on the well-being of residents. Can the Minister say what plans the Government have to make the vaccination of care home staff mandatory, both to help speed up the reopening of contact visiting and to give relatives the reassurance that their loved ones are being protected from harm?

With all the anxiety, grief, loss, loneliness and social isolation of the past year, I am disappointed that the Government’s report has little to say on mental health,

[BARONESS TYLER OF ENFIELD]

barring a brief mention of Section 10 of the Mental Health Act changes, which, thankfully, have never been brought into force and have been scrapped. There was no mention of mental health staff in the section on increasing the available health and social care workforce and no reference to a mental health recovery plan for the nation.

In England, recent Centre for Mental Health well-being modelling has predicted that up to 10 million people—20% of the population—will need either new or additional mental health support, including for depression, anxiety or post-traumatic stress disorders as a direct result of the crisis. Some 1.5 million of them will be children and young people aged under 18. With some hospital A&E departments reporting that they are now seeing daily cases of children self-harming, and with a senior clinician reporting yesterday in the *Health Service Journal* that there is “no capacity anywhere” to deal with the unprecedented surge in admissions of children with mental health problems, it is clear that the current system, which was already under strain before the pandemic, simply will not cope.

I end by paying tribute to the NHS workforce. People have been working flat out for a year now. Their dedication, professionalism and personal sacrifice have inspired the whole nation, but vacancies stood at over 100,000 before the pandemic. The NHS is now facing a huge backlog of operations with an exhausted workforce, many of whom are suffering from burnout, and increasing levels of sickness absence.

I recently had the privilege of speaking to two senior nurses working in London intensive care units. They told me that what they wanted more than anything was time off for recovery and additional nurses to provide pre-pandemic levels of patient care, as well as tangible recognition of the value of the work they are doing. With the Scottish Government now offering a 4% pay rise to nurses alongside a £500 thank you payment, can the Minister say what plans the Government have to think again about this issue and ensure that nurses south of the border get the pay rise they so richly deserve?

3.49 pm

Baroness Bennett of Manor Castle (GP) [V]: My Lords, it is a pleasure to follow the noble Baroness, Lady Tyler, and to support her tribute to NHS staff and her question about pay.

I begin with a very important question of democracy affecting the operations of your Lordships’ House and the conduct of this debate. I refer to an article published yesterday in the *Huffington Post*, titled “Consultants Deloitte Paid To Draft Ministers’ Parliamentary Answers On Test And Trace”. It reports on a series of contracts worth £323 million to “support” the Department of Health and Social Care and the national testing programme—contracts held by the consultant Deloitte. The report says that the contracts include

“help provided with PR and communications, with a requirement to ‘draft and respond to parliamentary questions, Freedom of Information requests, media queries and other reactive requests’ and to ‘support lines to take and Q&As in anticipation of queries’.”

My question to the Minister is simple: does he consider this appropriate? Should a private contractor be drafting and providing ministerial answers at all? In particular,

should a private contractor be drafting ministerial answers on work that it is engaged in, especially when it is marking its own homework—this is Deloitte drafting answers for the Government about the work of Deloitte? Is it achieving results in drafting answers to questions similar to the disastrous outcomes of test and trace? I ask this specifically, given that my honourable friend the Member for Brighton Pavilion is still waiting for an Answer to a Written Question in the other place, numbered 149740, which names Deloitte and which was tabled on 5 February, concerning the work of test and trace in her constituency. Will the Government next be relying on Heathrow Airport to draft answers on aviation, or on the China General Nuclear Power Group to supply answers on energy policy, or on Bayer to give the ministerial view on GMO crops? Today’s debate is not focused on test and trace specifically, but perhaps the Minister could tell how us whether any of the answers that he has in his folder have been drafted by Deloitte consultants.

To be clear, of course I am not saying that civil servants should not consult outside experts. If there is a technical question from your Lordships’ House, a civil servant consulting an expert, including an industry expert, is obviously reasonable. The question is where the direction and guidance are coming from. Has that been privatised, as so much else has? For the information of the Minister, I note that in the other place, this morning, the Minister for Implementation said that she would be looking into the Deloitte contracts, but this is also a specific matter of concern for your Lordships’ House, given that it directly affects our proceedings.

Turning to the Motion to Regret tabled by the noble Baroness, Lady Brinton, I cannot believe that there is a Member of your Lordships’ House who would not support her expression of sorrow for the massive death toll and the swathe that has been cut through communities, particularly more disadvantaged communities. Can anyone really oppose regret for the millions of self-employed people who have been left penniless and scrabbling desperately to survive, or for the continuing, still unresolved failure to provide funds for workers infected with the coronavirus or potentially exposed to it, who are denied the financial support that they need to self-isolate? How can this Motion to Regret not be supported? Were I physically in your Lordships’ House, I would be looking at the Benches around me as I speak.

I note the words in the Motion to Regret that call “on Her Majesty’s Government to publish a comprehensive plan to manage... the number of cases of Covid-19 and any new variants”.

Compared to the chaotic slew of localised, highly confusing statutory instruments that flooded through your Lordships’ House last autumn, we have got some way towards that at least, finally, with a national road map out of lockdown, rather than a casual “it will all work out” wave of the hand from the Prime Minister. But as the Motion in the name of the noble Baroness, Lady Brinton, indicates, it is still lacking in detail, and is particularly lacking a focus on vital ventilation issues.

I saw in the *New York Times* a detailed plan for how open windows and fans might be used to manage airflow in a classroom to minimise risk of transmission. I have not seen similar guidance from the Government.

Such guidance is urgently needed, now that we know that social distancing, screens and hand washing do not provide a Covid-safe work or social space. Only carefully managed ventilation and air filtration can do that, but I regret that my Written Questions on these issues have received scant answers.

The Green group will be supporting the Motion to Regret in the name of the noble Baroness, Lady Brinton. We are also calling for an immediate inquiry into what has happened thus far. We must understand the many things that have gone wrong, so that we can strengthen resilience and tackle poverty, inequality, overcrowding and poor housing, and set up our society to contain Covid and manage future threats in this age of shocks.

3.54 pm

Lord Loomba (CB) [V]: My Lords, I am delighted to be participating in this important and timely debate. I am proud and appreciative of the Government's efforts to save lives and protect our economy. It is true that there were some shortcomings in the beginning. However, we must recognise the enormous challenges faced by the Prime Minister, the Health Secretary, the Home Secretary, the Chancellor of the Exchequer, and the scientists and medical pioneers, all working relentlessly to save lives, control our economy and bring some normality to our lives during these difficult times of lockdown, which have brought many other issues to the surface, such as mental illness and domestic violence. We must not forget the tireless work of our front-line workers, doctors and nurses, who are putting their own lives at risk to save others. It is extremely commendable and shows a real sense of community.

At an early stage, the Government invested a large amount of money in developing a vaccine, with the help and expertise of our scientists from the University of Oxford and Imperial College London. The vaccine rollout has been an outstanding achievement so far, and exemplary to other countries. All vulnerable groups have been offered a vaccination. Infections and death rates are low and falling dramatically. The pressure on the NHS has come under control. Therefore, it is now our duty and responsibility to ensure that we do not undo these achievements. We should make mask-wearing part of our normal routine. The appropriate use, storage and disposal of masks is essential to making masks as effective as possible.

It is highly likely that Europe's third wave will hit the UK, as was claimed by Prime Minister Boris Johnson. However, we must do everything possible to avoid it. We should continue to have some restrictions on large social gatherings. We should ban overseas travel for holidays beyond 30 June, until the vaccination programs in other countries have caught up with ours. We must restrict arrivals from outside the UK and ensure that those who must enter are tested and quarantined upon arrival. It is crucial to avoid a third wave of this awful virus. We cannot afford further lockdowns, given the impact that they have on our lives.

I declare an interest. More than 120,000 people have died in the UK as a result of Covid-19. I suspect that more than 50% of those left behind are women who are now Covid widows—they are now lonely, insecure and victims of bereavement grief. I urge the UK Government to set up a Covid-19 widows support

group, to provide financial support and practical help for them to overcome their bereavement grief. By setting up a Covid widows support group, the UK Government would be setting an example for other countries to follow.

3.59 pm

Lord Haskel (Lab) [V]: My Lords, like other noble Lords, last week I received a letter from the Department for Business, Energy and Industrial Strategy, asking me to support its White Paper, which is designed to restore trust in corporate governance through increased transparency and directors taking more responsibility for the probity of their business and accuracy of their accounts. After the current and recent business failures leaving the taxpayer to pick up the tab, who could not support this? But I put it to the Minister that seeking more accountability, integrity and probity applies to the Government as well as to business, particularly regarding the legislation that we are debating today, such as that on placing contracts without proper scrutiny.

Recently, the High Court ruled that in relation to this legislation the Government had acted unlawfully on both transparency and clarity by not publishing contracts on time. When details were published, it turned out that, as the noble Baroness, Lady Brinton, reminded us, companies given referrals by MPs and Ministers were 10 times more likely to win contracts resulting from this emergency legislation. When challenged, the Government said that these contracts were on the record for everybody to see, but it emerged, again in a recent court order, that 100 contracts are still waiting to be published, one from as far back as March 2020.

Officials have also raised questions about value for money. For instance, contracts worth millions have resulted in unsafe and unusable face masks. The normal practice is to claim clawback payments for faulty goods, but that does not seem to be happening, at great expense to the taxpayer and, I might add, at great personal risk to front-line staff who, in some cases, had to create their own protection equipment out of plastic bags. Indeed, emails revealed in the High Court quoted one civil servant saying that the Government were "procuring merrily and to hell with the consequences".

I put it to the Minister that if the Government apply the principles and values of their own White Paper, they should demonstrate transparency by publishing the approximately 100 outstanding contracts. They should claw back the money spent on faulty goods and goods not delivered, and future contracts under this legislation should be awarded using the normal competitive tender procedure with details published within the 30-day limit, as the noble Lord, Lord Scriven, suggested. This would not only save the taxpayer money but give some comfort to our overstretched NHS staff and would be in keeping with the higher corporate governance standards proposed by the Government in their White Paper.

However, I am not optimistic. Why? It is because only last week the Government proposed legislation that would curtail the power of the courts to review ministerial decision-making. This would put some ministerial decisions beyond questioning, a direction of travel completely opposite to the one called for in

[LORD HASKEL]
the Government's White Paper, making it yet more difficult to deal with the problems connected to the Government's coronavirus legislation. I hope the Minister's response will put our minds to rest over this.

4.04 pm

Lord Tyler (LD) [V]: My Lords, the legislation we are reviewing today was passed in a genuine emergency. The concern on 19 March 2020 was not whether it was too rushed, but whether it had been delayed too long. That is obviously no longer the case. Today we have all had 12 months' experience of its operation, and even with the two-monthly reports and the current reassessment it is by no means evident that Ministers have taken full advantage of the lessons that have been learned.

It is the constitutional duty of your Lordships' House to check, in the light of that experience, whether the Act includes what should be there, excludes what should not be there and manages appropriately what it does include. In the first category, it is abundantly clear, as has just been said, that the regulations for awarding contracts for Covid-related purposes have been woefully inadequate and that their lack of transparency has been outrageous. Each week, there seems to be yet another excuse from the Government to the courts that publication of a contract was delayed because civil servants were distracted by other Covid commitments, but once a contract was signed and sealed what were they, or indeed Ministers, doing with that contract which required even a day's delay?

In the category of matters that were included, but clearly need not have been, the current long list of changes is ample testimony to necessary exclusions. However, we also would have expected Ministers to have corrected much earlier the confusion that the police and public encountered with charges for infringing regulations. The fact that, as at the end of February, every single prosecution under Sections 21 and 22 of the Act seems to have been found to be unlawful displays a woeful failure. That the CPS should have had to overturn 252 unlawful charges since March 2020 is a stain on our judicial system. It is important to reiterate the fact that necessary restrictions on movement, businesses and gatherings do not depend on this legislation. The Public Health (Control of Disease) Act 1984 would continue to exercise that control even if the House decided to take more time examining the validity of the very complicated and extensive provisions of this Act.

In the third category, the way in which the Act deals with what is legitimately included, we again have to remind Ministers that they no longer have the excuse of urgency and an unprecedented emergency. The report of our excellent Delegated Powers and Regulatory Reform Committee, published just four days after the Bill was introduced in the Commons, is salutary reading. Ministers will recall that its primary recommendation was as follows:

"Whilst in no way resiling from the appropriateness of this exceptional approach, we nonetheless believe that it is important for us to state clearly that, had the country not been in the midst of a developing national emergency, there are powers in this Bill, including far-reaching Henry VIII powers, about which our commentary would have been far more trenchant and our recommendations far more robust. Given this, we have recommended

that the expiry date for the Bill should be set at one year without a power to extend—not two years, with the possibility of extension—thereby enabling the Government to exercise the powers needed in the immediate future while allowing a further bill to be introduced and subject to parliamentary scrutiny in slower time."

Tragically, Ministers resisted that powerful advice.

The committee noted a host of Henry VIII powers for a number of very significant ministerial actions. In a number of cases, it drew the attention of this House to powers which were in no sense relating only to the coronavirus outbreak. It called for an "ironclad assurance" that they would not be used elsewhere. On what was then Clause 74, the Committee warned:

"A decision to suspend or revive emergency measures might well be politically contentious. We would expect such regulations to be subject to a parliamentary procedure."

Even when there was a process included, as with the many Henry VIII powers, the Government proposed only the very limited negative procedure.

Nearly two weeks after Royal Assent, the Minister eventually responded to the DPRRC. He blandly dismissed recommendation after recommendation on the grounds of the

"serious and imminent threat to public health."

He argued that the Committee's concern over Clause 74, which became Section 88, was met:

"The regular reports to and debates in Parliament provide ample transparency, oversight and potential for challenge to the use of these powers."

Sadly, the failure of the government business managers to enable the two-monthly reports to be scrutinised effectively has made that promise worthless.

This House took into account the exceptional urgency when it gave its consent to the Bill in March 2020. It did so with the grave constitutional misgivings of the DPRRC duly noted. Unless Ministers are now claiming that they have learned nothing from the past year and that they are as unclear on how to meet the current challenge of the pandemic as they were then, there is no justification for the House to sign another blank cheque. We should insist that the rushed, rough and ready legislation of March 2020 will no longer suffice.

Finally, today I grievously miss the usual Greaves forensic analysis—

Baroness Penn (Con): My Lords, I must remind the noble Lord that there is a time limit for Back-Bench contributions of five minutes.

4.10 pm

Lord Naseby (Con) [V]: I would like to mention the wearing of face coverings. I have one general question, to which I do not know the answer, and I suspect that the Minister does not, but we need to think about it. At what point do we stop using masks? Will it be when the level of infection is low enough—similar perhaps to the level that we achieve with flu, or whatever? It would be helpful from a medicinal point of view to have some knowledge of when we think it might happen.

My main comments are on the facilitating of elections. The key element in this SI is about voting. Indeed, a few days ago we had a good session on proxy voting, and I welcomed that and commented on it. With this SI we are making provision for the local elections on 6 May and, of course, there is at least one by-election

outstanding. Frankly, for once I would just like to say “Well done” to the Minister and his colleagues. The local elections of 6 May are important, and the objectives in Regulation 2(2) are to ensure that voting in polls is held in accordance with the Act and that supporting activities in the weeks preceding the poll, such as campaigning and nomination, take place in a way that minimises transmission risk while still allowing a meaningful campaign. Somebody has thought about that, and I say, “Thank you very much”. There will be hundreds of campaigners out there knowing that, for once, they have a clear steer on what they can and cannot do. Furthermore, someone has had the bright idea that somebody will have forgotten their mask or ignored the fact that they should be wearing one and, as I understand it from the SI, face-covering material will be made available at every polling station.

It is also good to see that candidates and agents will, I assume, be guaranteed access to the counts. That is implied, but I think it needs to be spelled out. Additionally, I am not sure whether my noble friend has done much standing as a candidate—let us assume for a moment that he has not. It is not just the people doing the counting who are important but those who are verifying and checking it from across the table. There is usually a wide span there, so I would have thought that they must be nearly two metres apart. That is very important in marginal seats.

I note also, on the extent of territorial application, that this applies only to England and Wales. All I ask is whether it is similar to what is happening in Scotland and Northern Ireland? I confess that I do not actually know whether they are having local elections there or not—and I should have checked that out, so I apologise.

As a side comment, I am pleased about the clarification for students on their movements between university and home. My noble friend will remember that there was great excitement last year, when it was not at all clear—but it is now quite clear, and that is good. The regulations refer to the facilitation of campaigning in pursuit of electoral success—people being allowed to leave home, and so on. That is good. Again, it will be achieved by allowing people to leave home and gather where necessary to undertake campaigning activities in relation to elections and local referendums. So thank you for that, Minister, and well done to all those who were involved.

I will make a couple of general comments and highlight two issues. I hope that somebody is now preparing a review as we move along of what has gone well and what has not gone well—and care homes did not go well. I took an interest right from the beginning because I always felt, as a Member of Parliament, that they were a key part of my constituency. I used to make sure that I visited them roughly speaking at least three times a year. They were handled pretty shabbily right at the beginning and put at great risk, having to receive patients without testing having been done by the hospitals—and there were other problems. However, to be fair, the Government have listened on that front and action has been taken.

Secondly, the military is a wonderful resource for this nation and for every other nation that has suffered the pandemic. Some nations have recognised—

Baroness Penn (Con): My Lords, the advisory time limit for Back-Benchers is five minutes in this debate.

4.15 pm

Lord Foulkes of Cumnock (Lab Co-op) [V]: My Lords, I too thank the Minister for his introduction, but I join others in expressing my concern about the way in which Parliament has not been given proper opportunities to scrutinise the provisions to deal with the pandemic, some of which have really major effects and serious implications. I join my own colleagues in expressing real concern at the haphazard way in which this emergency has been dealt with by the Government. I share the view that many lives might have been saved if the plans to deal with the epidemic that were there had been updated and there had been quicker appreciation of the serious danger of the pandemic and the action that needed to be taken by the Government.

We will have an inquiry of some sort, and I hope that it will start soon. I also hope that this inquiry, as well as looking at the detail of how the pandemic has been dealt with, will also consider whether, by declaring a state of emergency, more decisions could have been taken on a UK-wide basis—as the Minister said in his introduction, if we had used the civil contingencies provision instead of the public health provision.

I am a long-standing and very enthusiastic supporter of devolution, and I would have liked more aspects of implementation to have been devolved to local authorities, not just in England but in Scotland and Wales. But there has been confusion resulting from different dates of restrictions and different levels or tiers, as they were called in some places, and above all by different messages in different parts of the United Kingdom, where the media still broadcast principally on a UK-wide basis. In fact, there was little difference in the level of infection or the speed of dealing with it or, most recently, in the mistakes made in different parts of the United Kingdom. There were far too many avoidable deaths in care homes, while there were similar levels of infection and almost the same level of vaccine rollout in each part of the United Kingdom. But it has been regrettable that some have used their power to make political capital out of what should have been a united effort to fight the pandemic.

On another matter, I urge the consideration of vaccine passports or certificates to speed up a return to as near normal as possible. But we need to differentiate between passports or certificates for overseas travel and those for access to venues here in the United Kingdom. The issues, both practical and in principle, are different in each case. I hope that the Minister can update the House on progress on consideration of both of these and, again, I hope that they will be implemented on a UK-wide basis.

I express concern and disgust that some wicked people are taking advantage of the epidemic to cheat people, particularly older people. The Action Fraud unit has reported over 6,000 cases, totalling £35 million of losses. What is being done by the police and the cyber-security unit to counter these scams?

Finally, I will ask about pay in the NHS, as did the noble Baroness, Lady Tyler of Enfield. The Minister will have seen that, in Scotland, workers in the health

[LORD FOULKES OF CUMNOCK]
 service—not just nurses but all workers—are to receive a 4% pay increase, backdated to the start of the pandemic. Since both the health and financial situations are much the same north and south of the border and since the funds to cover the cost come from the Treasury and ultimately from the same taxpayers, will the United Kingdom Government now think again and agree to give NHS workers in England the same increase? It is totally hypocritical of the Prime Minister and others to stand on their doorsteps and applaud the commitment of the workers in the NHS but not to reward them properly in their pay packets. The Government of the United Kingdom must think again.

4.20 pm

Baroness Walmsley (LD) [V]: My Lords, I support the regret Motion from my noble friend Lady Brinton and echo the thanks that she gave. She highlighted how the Government have failed, which is why we should not trust them by giving them a blank cheque on our civil liberties. I also agree with points made in the Motion of the noble Baroness, Lady Thornton.

The issue underlying both regret Motions is the incompetence of this Government in their handling of the pandemic. That is why it is the Government themselves who should be amending this Act, since we are unable to do so. There has been a failure to plan and prepare, decisions have been taken at the wrong level, there has been an overreliance on private sector providers at enormous cost and there have been failures of transparency and providing for democratic scrutiny.

It is incompetent for Governments not to plan properly. This involves horizon scanning and putting measures in place to adequately respond to identified risks. The horizon scanning by the national security risk assessment happened and still does, but a recent study by the Centre for the Study of Existential Risk made several criticisms and recommendations. One criticism was that there is no process, body of expertise or oversight mechanism in place to ensure that departments' risk plans are adequate. That had fatal results in the case of this pandemic.

The study also concluded that the UK's pandemic influenza strategy, which was fairly detailed, did not make any plans for a lockdown, despite this being one of the dominant response strategies for Covid-19. Can the Minister give the Government's response to this serious analysis and say how they plan to learn lessons about planning our risk identification and response in future? Simple mistakes were made, such as failing to ensure that stocks of PPE were in date and fit for purpose.

It is incompetent not to provide adequate basic resources for worst-case scenarios. We started this pandemic with 11,000 too few hospital beds, 5,000 too few doctors and 40,000 too few nurses. We had a fraction of the number of ICU beds and ventilators of other European countries, which is probably why our death rate is one of the highest in the world. Do the Government plan to provide the resources to correct this?

It is incompetent not to care for the most vulnerable in society, for whom the consequences are most serious. For example, it is extraordinary that the DHSC did not realise that sending older people back to care

homes to clear hospital beds without first testing them for the virus was catastrophically dangerous. Many deaths occurred in the closed environments of care homes at the beginning of the pandemic that have never even been recorded as Covid deaths—people did not have a test, even when they fell ill. The death rate in care homes was double the rate in the wider community. It was incompetent not to provide care homes with PPE at the start and it was not true to say that care homes were safe—they were not.

The so-called NHS app was incompetent from start to finish. The first system did not work and was replaced. The second system did not pass on information about Covid hotspots to the authorities. People were advised by the app to isolate because of contact with a positive case, but they were not entitled to the £500 support at first, unless they also had a call from another authority—people did not know that because of incompetent communication.

Then there is test and trace—an exemplar of the biggest incompetence of all, which is making decisions at the wrong level. The Government relied on central decision-making and provision, aided by expensive management consultants and private companies, instead of devolving responsibility and decision authority to local government, where the skills and experience could do the job better. Indeed, in the end, when they started to get the necessary information, resources and authority, local authorities proved this very decisively. As the noble Baroness, Lady Bennett of Manor Castle, mentioned, management consultants have been marking their own homework and are being paid to do tasks that should be undertaken by civil servants as part of their job. We need answers about this. It was incompetent to delay taking action when advised to do so by scientific advisers. That was probably the most fatal incompetence of all.

Finally, it is incompetent not to understand your own Act of Parliament. It is not true that failure to renew this Act would remove good things such as the furlough scheme and measures to keep us safe, as some government spokesmen have suggested. That is not what this is about. It is about a blank cheque to control our civil liberties and reduce democratic scrutiny. We will not give that to anyone, especially not this incompetent Government.

4.25 pm

Baroness Ritchie of Downpatrick (Non-Aff) [V]: My Lords, it is a pleasure to follow the noble Baroness, Lady Walmsley. In this instance, I am supporting the regret Motion in the name of the noble Baroness, Lady Thornton. I thank the Minister for the explanation of the regulations and the note on what has happened in the past year. I pay tribute to all those nurses, doctors, ancillary staff and carers, as well as the scientists who brought us the vaccination programme. Who would have thought it? If any of us could have imagined a year ago that more than 126,000 people in the UK would die with Covid and that there would be 4.3 million cases, we would rightly have been dumbstruck.

This Government have made very serious errors in the intervening period. They have taken too long for lockdown and wasted vast amounts of public money on their failed test and trace scheme and unsuitable

PPE equipment. Therefore, I agree with the noble Baroness, Lady Andrews, and many others that there is a need for a public inquiry into the handling of this pandemic by the Government. A year is a long time in politics and it is a long time with coronavirus for the many people who have lost loved ones, who have suffered from Covid themselves and who have been isolated and marginalised because they have had to shield.

Thankfully, we now have a vaccination programme under way and, by Tuesday of this week, 41% of the population had received a first vaccination. Credit where it is due: that is a very good start. However, do not lose sight of the fact that just 3.3% had received both shots by that date, which makes the row over the supply and use of the AstraZeneca vaccination even worse than it first seems. Concentration on the vital issue of getting people across the globe vaccinated would be a good idea because we are all in this together, right across the world. Therefore, why are we wasting time and effort on a row that could cost lives?

London has laid claim to millions of doses of the Oxford/AstraZeneca Covid-19 jab, produced in a Dutch factory, sparking a fierce battle with the European Commission, which says that they should be used in the EU. I note that, as of last night, there was an indication from both the UK and the EU that they would work together—perhaps, in the wind-up, the Minister could provide us with an update on that. I will not try to go into the details of the opposing sides, but I stress that the Covid virus does not respect borders. France and Germany have had fresh outbreaks and, in spite of regulations, it will inevitably reach these shores. We ignore this at our peril.

If different nations fail to work together, we will all suffer. Fighting over a fair distribution of the different vaccines is humiliating and embarrassing. This is not some blame game of who claimed this or that; this is not just about health in the UK. It is about global health and our global interdependence. Vaccinations will be a part of our lives for some time and we are very thankful for the vaccines, but we need to move away from the notion that protecting people is merely a local, or even national, matter. It is an international matter, because a vaccinated world protects us all.

4.30 pm

Baroness Mallalieu (Lab) [V]: My Lords, on 13 March last year, this country had a carefully prepared plan from the Department of Health, which the noble Baroness, Lady Walmsley, referred to. It was to be used in the event of a pandemic caused by a serious respiratory disease with a projected death toll of up to 750,000. It involved shielding the elderly, the sick and the vulnerable, but keeping life as near normal for the healthy and the working population. China had imposed a draconian lockdown; Italy, France and Spain followed and got away with doing it. Overnight, our plan was dropped into the wastepaper basket and we followed the others. Was that wrong? With hindsight, I believe that it was. Would I have made the same decision on lockdown then? Possibly, but knowing what we do now I would not.

Those who advised that decision, those who made it and those who subsequently supported it were doing their best as they saw it to protect the population from

a highly infectious, deeply unpleasant and sometimes fatal disease. How did they persuade us to comply? How did we so readily and swiftly surrender our freedom? First, we were told that, if we did, we would beat the virus and, in the Prime Minister's words, put it "back in its box". Then, this nation's affection for our National Health Service was employed mercilessly. The fact is that successive Governments have underfunded and mismanaged the NHS, so we have the lowest critical care capacity in Europe.

Fear and guilt were part of the Government's strategy: "Don't kill your granny", and the advertisement with the old man pictured in a mask, asking "Can you look him in the eye?" There were swingeing fines for trivial breaches and even a government Minister urging people to report their neighbours for any rule infringements, which was presented as some sort of praiseworthy, patriotic act. All this was set against a background of relentless media coverage of hospital crises and deaths. Of course we all wanted to help to beat this virus, but a great many people were also very frightened, many unnecessarily, and many still are.

The full consequences of that decision are now much clearer. I hope that it reduced the death toll, but ours is still one of the largest in the world. However, as a result of that decision, a health crisis has been supplemented by both an economic and a social one. Massive damage has been done to the education of our children and to our businesses, industry, court system, arts and culture. There is a massive backlog of people who are in urgent need of treatment for serious, often fatal, conditions, some of whom have died or will die for lack of it. Basic human needs and civilised rights were prohibited: the need to be with a dying relative, to hold a mother's hand in a care home, to hug grandchildren. The toll on mental health is incalculable.

We were told then, and at each successive lockdown, that this would be temporary, until a vaccine came along. I am afraid that that has proved unrealistic. Now we are being told that the virus is endemic and we will have to learn to live with it. The vaccine has been brilliantly created in record time and is being superbly administered through the NHS. It may protect the vaccinated against the worst aspects. More and better treatments will also, hopefully, be found, but this virus is going to continue indefinitely.

Against that background, we must surely resolve never again to use lockdown in this way in a health emergency such as this. The noble Lord, Lord Foulkes, was right. Parliament, too, must not allow itself to be sidelined again. We have had legislation with virtually no debate; we have had ex post facto debate on legislation already in force. We have had guidelines that have been accorded the status of law, with constant changes and uncertainty, so that, as the noble Lord, Lord Lansley, said, the public, police and even parliamentarians find it impossible to keep track of the latest rules and timetables.

The police, too, have been put in an impossible position, not just in policing lawful, dignified, peaceful protests but in trying to enforce legislation, some of it so petty in its application as to be laughable. I cannot forget the image of the elderly couple with their sticks, sitting together alone on a park bench, resting briefly

[BARONESS MALLALIEU]

during their one hour of permitted exercise, being made to move on by police. It is still going on: last week, an 83 year-old woman in Cheltenham was visited by two policemen at night, having been reported for having a cup of tea with two friends in the garden of her sheltered home. She was told that she would be fined if she did it again. If you enact bad law, people lose respect for it. Look out on the streets on any fine day, or at the beaches when it is hot, and you can see it. People are making their own decisions about the level of risk that they are prepared to take for themselves, their families and their friends. If those who have never broken any rule since March were asked to put their hands up, I do not believe that there would be many in the air.

Here we are again today, doing it all again, taking a few regulations away, adding more and changing the ever-moving goalposts. These provisions go through because there are not enough people in Parliament—too few like the noble Baroness, Lady Noakes—who will stand up and say, “Enough is enough”.

Baroness Penn (Con): My Lords, I remind the noble Baroness of the advisory time limit for Back-Benchers.

4.36 pm

Lord Oates (LD): My Lords, I declare my interest as a director of H&O Communications. I remember thinking, immediately before speaking on the debate on the Coronavirus Bill last year, that for the first time since the end of the coalition in 2015 I was heartily glad that I was not in government any more. The scale of the challenges that the Government faced were almost overwhelming. They had to tackle not only a public health emergency unprecedented in our lifetime but a national and international economic crisis as well. Inevitably, the Government made mistakes—any Government would have done—but they also got some things right, most notably the vaccine programme and the rapid deployment of fiscal firepower into the economy to protect employment and businesses. There were some significant gaps, which I will come to later, but overall the Chancellor acted boldly and decisively at a crucial moment and he should be commended for that.

In other areas, the Government’s performance proved to be less impressive. My principal complaint is not about the mistakes that were initially made—as I said, any Government would have made mistakes, even if they were different ones—but about their failure to learn from them. In the debate on the Bill last year, along with other Peers, I raised the position of the self-employed who were facing severe financial hardship. I welcome the fact that the Government subsequently created the Self-employment Income Support Scheme, but it excluded huge numbers of people, as my noble friend Lady Brinton underlined. Most notably, it excluded all self-employed people who trade through a limited company, any who had not traded through two tax years, which particularly impacted young people, and any who had had profits of over £50,000 in one of those previous tax years, even if their business could no longer be carried on at all because of coronavirus restrictions. Despite repeated appeals, the Government refused to listen and provide relief, leaving without support millions who had operated absolutely properly

under all the tax and company law rules that exist. If the Government think that those rules are not right, they should change them. They should not penalise the people who followed them.

Another area where the Government refused to listen was protecting people who were required to isolate under the coronavirus rules from loss of earnings. This was not only damaging to the people impacted, particularly the self-employed; it fatally undermined public health. In the absence of proper provision, many inevitably went out to work, despite a positive test, or avoided being tested at all. There can have been few more penny-wise, pound-foolish decisions taken by the Government, because the impact of the virus spreading was further catastrophic damage to the economy. More importantly even than that, an unquantifiable number of people almost certainly and unnecessarily lost their lives as a result.

As I said at the outset, my criticism is not that mistakes were made. It is that the huge amount of good will and cross-party support that existed for the Government at the start of the pandemic was squandered. Hubris rather than humility became the dominant theme, and, in that hubris, the Government failed to listen to others. As a result, instead of correcting initial and understandable mistakes, they persisted in repeating them.

Last year, we granted the Government extraordinary powers, which we would not have dreamed of doing in any other circumstance. In return, we expected them to be used with great care and in the spirit of cross-party unity in which they were granted. That did not prove the case. Instead, advice went unheeded, cronies were rewarded, and the Government’s public health messaging was fatally undermined at Barnard Castle and buried in the Downing Street garden by a special adviser consumed with self-regard and dripping with “The rules are not for me” arrogance.

A Government who respected the spirit of unity, which the Minister referred to in his opening remarks and which allowed the Bill to pass so rapidly into law last year, would have returned this year with a replacement. It would have been proportionate to the situation we currently face, compared to the emergency we encountered last year, and it would have removed the obnoxious powers that have so damaged civil liberties. This time last year I swallowed hard, put my trust in government and voted for draconian legislation in the face of the emergency. That we are back here a year later with a contemptuous take-note Motion, which prevents us making any of the many necessary amendments to the legislation, underlines the extent to which the Government have betrayed that trust. They will not have it again.

4.41 pm

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, one year ago Parliament passed the most incredible legislation, all in one day, with the biggest infringements to our rights and civil liberties that this country has ever witnessed. We did that in good heart, and with good intent, because of the immediate and urgent health threat that was facing us all. We were promised that there would be meaningful reviews of the provisions and that the Government would repeal anything that was not absolutely necessary and proportionate.

A couple of days later, the Government published the real rules in the lockdown regulations, which imposed even tighter restrictions than were ever anticipated in the Coronavirus Act. Because they used the public health Act from 1984—coincidentally quite a resonant year—this Parliament did not do its usual scrutiny. On the one hand, excessive restrictions on things such as the right to protest and how far we are allowed to go to exercise have been part of the chaotic mess of legislation, government guidance and ministerial diktats. On the other hand, we have seen lockdowns imposed too late and opened up again too fast, and the doomed “Eat Out to Help Out” scheme, which reseeded the virus and created the breeding ground for our very own UK variant, which is now running rampant across Europe.

I will be very interested to hear the Government’s response to Liberty and 19 other organisations on their document about a “Protect Everyone” Bill. I would like to hear from the Minister about this. Could he please make a note? I should also like him to promise that the Government will give a line-by-line response to those proposals, which aim to remove the most coercive and arbitrary parts of the Coronavirus Act. The Minister himself called it an unloved Act, and it absolutely is.

We should replace the coercive and arbitrary parts of the Coronavirus Act with a public health-focused system which supports people to comply with the health guidelines. Most important, to my mind, would be the repeal of Section 51 of and Schedule 21 to the Act, which have resulted in an unprecedented 100% unlawful prosecution rate. The Minister must surely feel embarrassed to have overseen the passage of such a provision and the decision that, even as dozens of other provisions are being repealed, this one is still being retained. The Government’s promise that only necessary and proportionate measures would prevail is shot to shreds by the continuation of this disastrous legislation. It is not a piece of law; it is a piece of unlaw, and how it got past the Government’s lawyers I have no idea. We have our own lawyers here in the House and I hope that they will speak on this as well.

The next issue is the protection of the right to protest. We have all known this was a problem, but it really came to a climax point with the extremely poor policing decisions at the Sarah Everard vigil. It seems that many times in the past the police have made terrible decisions, not because they were incompetent but because the Government did not give them clear instructions. Going forward, I very much hope the Government will do that. Having conceded in the High Court that a total ban on the right to protest would have been unlawful for the vigil, the Met continued to impose a total ban on protest. The images of women being manhandled by male police officers, in already very sad circumstances, were absolutely chilling. They mark a particularly dark moment in an already horrible year.

The Government and the police must get to grips with how we can facilitate safe and lawful protest. That should be easy enough to do. We already know that the Government are keen to get people back to pub gardens and outdoor dining, but socially distanced protest has always been possible and part of our

democratic process. There has been no excuse for the blanket ban, without any attempt to work constructively with the organisers of protests.

Coming back to the Coronavirus Act as a whole, I would have been worried about voting it down as that would have been tantamount to throwing the baby out with the bathwater. But as the Government’s own review shows, they have already drained most of the bathwater from this Act. The unlawful, coercive and nasty parts of the Act must be repealed and a public inquiry launched.

4.46 pm

Baroness McIntosh of Pickering (Con): I thank my noble friend the Minister for presenting the regulations before us. I declare my interest in working for the Dispensing Doctors’ Association. The importance of these regulations is the consistency and clarity of the message, so that the public and others can fully understand what we are being required to do.

I turn first to the regulation requiring the wearing of face coverings, the Explanatory Memorandum for which tells us what the road map outlining the four steps will be. They are:

“The vaccine deployment programme continues successfully; Evidence shows vaccines are sufficiently effective in reducing hospitalisations and deaths in those vaccinated; Infection rates do not risk a surge in hospitalisations which would put unsustainable pressure on the NHS”

and

“Our assessment of the risks is not fundamentally changed by new Variants of Concern.”

The problem I have is that we have been told to expect a third wave and that we will have to adapt to any serious mutations and variations. We have now seen such a third wave in many continental countries, along with what they call the British variant, which I rather take offence to—I think we call it the Kent or the South African variation here. What are the plans to deal with a third wave, and with more serious variations and mutations? Should these not have been put into the regulations? I am not convinced that we have that information before us today.

I also support the conclusions of the Secondary Legislation Scrutiny Committee. In particular, it highlights that subsequent steps may not be brought into effect if “local hotspots of infection ... delay the lifting of national restrictions.”

I shall press my noble friend the Minister on this. What will the circumstances be under which those restrictions would not proceed?

In its report, the committee also talks about the fact that

“these Regulations impose a ban on all travel from England to a destination outside the UK”,

in which I have an interest because I have family in Denmark. To be honest, I would rather see them while they are alive than have to attend a funeral, which would be too late an event.

We are then told by the scrutiny committee that:

“A fine of £5,000 is imposed on anyone leaving England or being present at an embarkation point for the purpose of travelling outside the UK, without a reasonable excuse or an exemption”

and that

[BARONESS McINTOSH OF PICKERING]

“Changes to these provisions are separate from the Steps and will be linked to reviews by the Global Travel Taskforce which will first report on 12 April”.

Are we going to have further regulations after that review? Since many of these things, as my noble friend Lord Lansley pointed out, are dealt with in the schedules to the steps regulations before us, it would be helpful to know that while we debate them today.

I pay tribute to all those involved in the success of the vaccination programme and congratulate my noble friend for being with us and appearing before us on so many occasions to facilitate our greater understanding of the regulations as they have been rolled out.

I would like to pause for a moment to look at the rural aspect not just of this but of so many parts of health policy and ask whether we can learn from recent experience. I hope that my noble friend will agree that vaccination delivery in rural areas has outstripped that in urban areas, and I think that the main reason for that is because primary care has taken the lead—they have outperformed and we should recognise that. The large, urban vaccination centres, which often cannot be accessed by those most in need, the vulnerable and the elderly, have not been as successful, and I understand that they have had many vaccinations left over at the end of the day.

That leads me to my general final point, which recurs in every aspect of policy but particularly in health policy. We are told that all health policy is rural-proofed, but we have it on record from the Department of Health that, in its view, Defra is responsible for rural-proofing. I ask my noble friend: have the regulations before us been submitted to Defra, or have they been rural-proofed by the department officials themselves? It is extremely important that vaccinations and testing take place as close as possible to where the patients live to enable us to drum down on any further outbreaks or mutations.

4.51 pm

Lord Brooke of Alverthorpe (Lab): My Lords, it has been a while since I was last here, but I am very pleased to come in today to support my noble friend Lady Thornton. I am sorry that the Minister is not here, because I wish to thank him for the hard work he has consistently put in for so long in such difficult circumstances.

We have to recognise that no Government in the world have got this right—we have all been in an unknown area and, yes, mistakes have been made—and we need to review it. If the Minister were here, I would ask him about the width of the review, which I think is going to be very important for us. One of our big problems in this country, compared to other European countries, is that we are fatter than most of the others. That has been a big factor in the number of deaths, and it cannot be ignored. Who is responsible for that? Another factor that has emerged is that we are very short of data, and we are now finding out how important it is to have that data. Had the coalition Government—the Lib Dems and Conservatives—not abolished the work of the Labour Government on an identity being produced for each individual, we would have been in quite a different position now to cope with this disease in a

better way than we have been, rather than just finding our way. Are they going to look at that and see the failings in framework, where previous policies have been abandoned by previous Governments? I hope it is going to be a wide-ranging review and that we are serious about it and not just making excuses.

Like the noble Lord, Lord Lansley, I like to look to the future rather than the past. The one thing that has changed is that, being away from here, I feel more like an ordinary citizen. I get the sense and the feeling they have—in that so much of what we talk and argue about is irrelevant to them. They are not interested. The questions I am being asked are: “Why is America now going to one-metre social distancing? It’s such a big country; is it the wisest thing to do? Are we looking at the evidence on that? Will we be following it? If so, when can we expect to move down to one-metre distancing only?”

Secondly, on face masks, there have been a variety of views held on them over the time since Covid appeared. At the start, the World Health Organization and Centers for Disease Control and Prevention said, “You don’t need them”, and then they changed their minds. Now there is further evidence coming out in other quarters that we may not necessarily need to use face masks as widely as people have been led to believe. I would like to hear from the Government on what the latest position is. There is concern and confusion about where face masks should and should not be worn. They can cause trouble between citizens, where one is taking another to task and so on. It is important that we get the rules very clear and we get some clarity for the foreseeable future, where we may be looking to relax mask wearing in certain circumstances yet continuing to require their use in others.

Thirdly, I congratulate the Government on the work they have done on vaccination. We can all come together on that and say that there have been problems in other areas, but at least in this one we have made good progress. Thank God we are not in the EU queue, waiting for our turn for vaccines to be doled out in accordance with what Brussels has decided. Some of us might have voted to put ourselves in a position where we would have been in that queue. We have to learn the lessons of what has happened.

Making sure that everybody is fully protected is very important. That leads me to illegal immigrants, of which we have a substantial number in the country according to LSE research and other organisations. Again, because we do not have very good data, we do not know the numbers, but the figures bandied around range from 400,000 to over 1 million. If these people are not vaccinated, that is a very big hole in the dam wall and a risk for others who have been vaccinated or not fully vaccinated. I would like to know from the Minister what the Government will be doing about the people below the radar who are not lined up to be vaccinated, who are not within the system for tax or registered with GPs. This is an important number, and we need to know that steps are being taken to ensure they are brought in. We could have an amnesty for them. This could be an opportunity to do that, so we can get some real data on what is happening in the country.

I have posed three questions there for the Minister. I will conclude on a positive note: I think we will have a good summer and we should make the best of it, but we may have troubles in the autumn and should learn all the lessons we can. When climate change comes, this will be seen as a dress rehearsal compared to the problems that will bring.

4.57 pm

Baroness Uddin (Non-Afl) [V]: My Lords, I am pleased to see my noble friend Lord Brooke back in his place and I agree with his sentiment on face masks. The Government must make it absolutely clear what the requirements are. I think they should be mandatory outside.

I begin by expressing my heartfelt condolences to all those who have lost a loved one. Having lost so many people I have known and some I have loved, I share their grief and loss. I salute all the front-line workers who thought little of themselves and kept the country operating. I congratulate the Government on the excellent manner of the vaccine rollout. I acknowledge the challenges that remain, and I wish to note my gratitude to the Minister, who has been relentless—though, on many occasions, in defence of the indefensible.

Among the horrific numbers of the over 125,000 people who perished were the 20,000 of our precious older people, and that 59% of deaths over a six-month period were of disabled people. As a mother of a 42 year-old with autism and having a niece with profound disabilities, my heart jumped each time I heard from a family. I need say no more. I agree with the noble Lord, Lord Moynihan, who so eloquently pointed out the measures the Government must consider and support as we emerge from the lockdown.

I also note Professor Fenton's report, which highlights what we have known for decades about social disparities in health and about structural discrimination which, according to NHS staff themselves, has been and is endemic within our major institutions, including our beloved NHS. This is evidenced by the first losses of nurses and doctors being of minority ethnic heritage. These numbers spiralled, with disproportionate loss among black and minority staff, and externally within the communities. Despite these regrettable facts, we see our Government resistant to placing an equality impact assessment, as a central tool for assessment, at the heart of government policy and programmes.

I do not agree that the emergency legislation and powers should remain a day longer. It goes against the grain of our values and civil liberties, so long shouted about. It has given institutions powers to place a shadow over many unacceptable and punitive measures in the name of protecting our NHS. I remain deeply alarmed about the structural deficit which is emboldened by emergency powers, an inconsistency which will profoundly affect government approaches to post-Covid recovery. Disadvantaged communities, poorly paid women and people with disabilities remain utterly desolated at the edges of our society and require the Government's immediate and urgent attention and remedies.

I will be supporting the Motion of the noble Baroness, Lady Thornton, and possibly also the Motion of the noble Baroness, Lady Brinton. The Covid crisis demonstrated that money is never the principal barrier; it is government

leadership, intention and policy direction, and perhaps even a bit more "compassionate conservatism", which has been so glibly uttered for so long without any indication of its fair and equal application. If I had time, I would copy every word of wisdom stated by my noble friend Lady Jones, as I so often agree with so much of what she has to say. However, for now, I just say "ditto". I ask the Government and all Ministers to reach out across the political divide and prove those compassionate words by accountable actions.

5.03 pm

Lord Bradshaw (LD) [V]: My Lords, I shall concentrate on a couple of issues that were raised by the noble Lord, Lord Brooke of Alverthorpe, and which affect everybody who uses public transport as we move out of lockdown. I ask the Minister, or whoever is taking notes on his behalf, to give us a definite answer. Are face masks likely to be with us for a long time? If the answer is yes, will the Government consider the recognition of a kitemark to be given to those masks that give the best and most effective protection? If passengers on buses and trains are wearing a face mask, can we immediately review the social distancing rules, so that buses and trains can carry economically viable levels of passengers, which is not possible at present? The industry and I need the answers to these questions very urgently.

5.04 pm

Baroness Stroud (Con) [V]: My Lords, this moment in time is deeply significant and goes far beyond the immediate legislation we are debating today. Many of the actions taken by the Government and the provisions in this Coronavirus Act are welcome. The financial support for the furlough scheme, the protections against no-fault evictions during the pandemic and the rapid mobilisation of medical professionals, to name but a few, have actively protected vulnerable people. But this debate also marks one year since the Government first used the Public Health (Control of Disease) Act 1984 to enforce the first official lockdown and stay-at-home orders. As we gather here today, a year later, still living under those same restrictions, this moment acts as a milestone, a moment in time to pause and reflect on the approach we have taken.

The Government have found themselves at the helm during a rapidly evolving pandemic, bearing the responsibility of co-ordinating the nation's response, requiring agility and dynamism to adapt to its spread, and I thank them for all their hard work and dedication. This pandemic was unprecedented in Britain's recent history; we did not have the model of best practice in place to adopt and we knew little of this disease. My concern is not so much that we have needed to take action to find a way through this difficult time but over some of the tools that we have used to achieve the goal of public co-operation, and that the approach we have adopted over the last year could become the precedent for how we will respond to similar health crises in the future.

Rather than rely on the values that we know to be true, which define the success and prosperity of this great nation, of personal responsibility and trust, keeping

[BARONESS STROUD]

calm and respect, we rather chose to follow the path of a more authoritarian regime, legislating for restrictions on our liberties and an unrelenting campaign of fear to engender compliance. At many points where we could have appealed to the British people to work with us and make responsible decisions on the basis of a health response, we chose a legislative response, and at many moments when we could have asked for responsible decision-making we drove behaviour change with fear. We are still doing it now.

When at the start of the pandemic SAGE's SPI group on behaviours recommended the Government deliberately use psychological operations techniques to change behaviour, the use of the media and advertising was advised to "increase sense of personal threat". SAGE thought this would be highly effective, although it warned there "could be negative" spill-over effects. Leading charities such as MIND were quick to warn the Government of the mental health pandemic that would ensue if they continued to pursue such a course of action. Experts have warned that

"the use of fear to control behaviour is dangerous and unethical, especially when combined with curbs of freedom of speech".

There was even Ofcom guidance which cautioned its licensees against broadcasting

"statements that seek to question or undermine the advice of public health bodies on the Coronavirus, or otherwise undermine people's trust in the advice of mainstream sources of information about the disease",

which led to an absence of discussion and a daily broadcast diet of terrifying stories to achieve public compliance. But the public is all too aware of when there is a real threat, and they take the steps that are necessary to change their behaviour. You can see this from the mobility data, which changes as the numbers of hospitalisations and deaths gradually mount.

However, how we go through a crisis is as important as getting to the other side of a crisis. The best way to protect the public from harm is to allow scientists, experts, journalists and others to vigorously challenge the Government and public authorities, without the threat of broadcasters being sanctioned by the state regulator if those views happen not to accord with the current government position. The public are sensible.

The torrent of fear with which we have hosed the British people has been devastating for mental health, but I am most concerned about our children. The statistics here are heartbreaking. Google searches for "panic attack" in the UK have reached record highs. The NHS's own data suggests that lockdown has led to a 50% rise in children with mental health problems—the *Times* reports that there has been a surge in tics and Tourette's amongst teenage girls. Domestic violence against children has doubled, and has surged among adults.

This strategy of fear and legislative control cannot continue. Fear damages the nation's health, and legislative control is making rule-breakers of us all. You have only to go for a walk in the park on a Sunday afternoon to see that. We must respect the British people and empower our citizens, not terrify them. As the vaccine continues its remarkably successful trajectory, we need to transition from a legislative response to a public

health response as quickly as possible based on the principles of honesty and personal responsibility. If we do not do this quickly, we will find that we have eroded the bonds of trust and responsiveness.

Baroness Scott of Bybrook (Con): My Lords, there is a five-minute time limit.

The Deputy Speaker (Lord Lexden) (Con): My Lords, the noble Lord, Lord Campbell-Savours, has withdrawn from the debate, so I call the noble Lord, Lord Bhatia.

5.09 pm

Lord Bhatia (Non-Aff) [V]: My Lords, after hearing all the previous speeches, I do not wish to repeat them. My question for the Minister is: who is to be held responsible for all the deaths caused by the Government's inability to plan properly? Will there be any compensation for the grieving families who have suffered so much because of the Government's inability to deal with the issue properly?

5.10 pm

Lord Cormack (Con): My Lords, I did not expect to be on my feet quite so soon, but I begin by paying a genuine tribute to my noble friend. I can say no more to him than that his father, who was a deeply admired Member of your Lordships' House, would have been extremely proud of him.

There is so much one could say. I am greatly concerned about care homes and the fact that those who work in them are not obliged to be vaccinated. My noble friend has been helpful on that. I am very disturbed that next week, Holy Week—the most important week in the Christian year—we will not be able to have both a choir and a congregation in Lincoln Cathedral, which is enormous and could easily accommodate them suitably distanced.

I want to concentrate in my brief speech on the marginalisation of Parliament, which has been referred to by the noble Baroness, Lady Mallalieu, and the noble Lord, Lord Foulkes of Cumnock. It is a serious matter. I divide it into two. First is the way legislation has been taken: retrospectively, more often than not; draconian, more often than not; an hour and a half allowed, with speeches limited to two minutes, more often than not. All of this marginalises Parliament.

Of course, that has been compounded by the fact that we have had a wholly inadequate, one-dimensional Parliament. I hope that by 21 June at the latest we will be back as a proper Parliament, able to hold Ministers properly to account. It is no fault of my noble friend, and my tribute was genuine, but the fact is that he is not really sufficiently accountable to us. The rules do not allow us to intervene on a ministerial speech or to say, "Before my noble friend sits down". The spontaneity has gone out of Parliament. For every Question Time, we have a list of preordained questioners.

I am not complaining totally, because I have enormous admiration for those who have been responsible for making the virtual Parliament possible. I owe them a tremendous debt of gratitude, as we all do, but what they have created, clever as it truly is, is a poor

imitation of the Parliament that we know—the cut and thrust of debate, the ability properly to hold Ministers to account and to be in the House when we vote. I know that people have sometimes been in their beds when they vote—not that I have actually been in mine at the time, but I know that many have. As a parliamentarian, which is all I have ever aspired to be, this is the place where the Government are and must be held to account. The Government are and must be answerable to Parliament. The Government have had it far too much all their own way over this past year.

That is no fault of the Minister, who will reply; it is no fault of any individual, but we should not really have allowed this to happen and we must get back to a proper, vigorous Parliament. We in this House must get back to a Parliament that is self-regulating and able to have not only spontaneous but vigorous Question Times, where the expertise, of which there is so much in this House, can be brought into effect and take part.

We have to go through this today. I accept that. I would not dream of voting against the orders before us. But we are drifting down a dangerous river, and we must not continue. It is essential that we get back to a full parliamentary democracy with vigorous debate and proper answerability. We must achieve that, I would suggest, by that date of 21 June.

5.15 pm

Baroness Quin (Lab) [V]: My Lords, I welcome the chance to pay tribute to all those who have worked so hard and devotedly to care for and serve the citizens of our country over the past 12 months. This obviously includes all NHS staff, but also those working in care homes, in other public services and indeed in our local essential shops and supermarkets. I also pay tribute to the many volunteers who have helped out, particularly in vaccination centres. Having had my second jab this morning, I was so impressed by the way cheery and positive volunteers were supporting our local health services.

I welcome, too, as others have done, the success in rolling out the vaccination programme. I share, however, the concerns about how late we were initially in going into lockdown and about the failure to adequately protect people in care homes. I lost two friends for whom I had the greatest admiration and love in the distressing circumstances affecting care homes, and I know how, behind the numbers, there are terrible individual and family tragedies. I very much support the regret Motion in the name of my noble friend Lady Thornton.

I want to make two points. One is a plea to the Government, and the other is to ask the Government a specific question that I do not think has been raised so far. The plea is on behalf of borderers. I live near the Scottish borders and know how much it would help if there were better co-ordination across the UK's devolved authorities to avoid confusion or creating unnecessary barriers. I say this fully respecting our system of devolution but simply wanting co-operation and joint decision-making to work better.

For example, at one point, with the differences between Scotland and England, I could in theory have driven more than 500 miles to Cornwall but not a few miles up the road to the Scottish borders, although the

level of infection in the areas on both sides of the border was similar. Another example is the recent statement about the international travel ban. The description of what this meant, both online and in news bulletins, was far from clear as to whether it referred to England only or to the UK, yet this affects us in border areas. If you live in the far north-east of England, for example, the nearest airport for direct flights to particular destinations is often Edinburgh. Therefore, we needed to know for sure whether flights from Scotland were included, and if they were not, whether we were permitted to cross the nearby border to travel on such flights. Perhaps it is asking a bit too much to expect First Minister Nicola Sturgeon and Prime Minister Johnson to work together, but, particularly as scientific advice is shared across the UK, it should be possible to avoid such perplexing and confusing discrepancies.

Treating England as one unit, as the Minister today said, is often problematic, too, given the widely differing levels of infection and the sheer size of England's population. For this reason, co-ordination and consultation should work at a regional level within England as well as across the UK. I salute the efforts of local authorities and their effectiveness during the pandemic and urge the Government to make even better use of them and involve them more in their vital role of delivering services on the ground.

Finally, I have a question for the Minister which I would be happy to have a reply in writing to if a response is not immediately available. I understand that the legal power of local authorities to hold virtual or hybrid meetings is to expire in May and that, in theory, meetings afterwards should therefore be fully physical. Many local authority staff are concerned about this, as it will be difficult to find venues for all meetings in rooms where social distance requirements can be met, and there may, in any case, be a need for continuing hybrid meetings for those with particular health conditions.

I should say that not only are council meetings but those bodies with local authority representation affected, which means that the issue that I am raising has wide ramifications and needs to be resolved quickly and sensitively. If new legislation is needed, it should be introduced quickly, or else existing legislation should be extended until social distancing is no longer necessary. Of course, that is something we will all be looking forward to after this difficult and extraordinary year.

5.20 pm

Baroness Bowles of Berkhamsted (LD) [V]: My Lords, I want to look at the money side because although the Government have spent massively on the pandemic, it could have been done better.

Economic support has been generous and it is welcome that furlough is now a permanent tool for the Treasury. But the good is marred by the Treasury's deliberate refusal to extend other key programmes to many businesses hurt by Covid. Some 3.8 million freelancers and contractors—hairdressers, builders and workers in the creative industries—have been excluded from self-employment income support. A million sole traders who are directors of limited companies have been excluded quite deliberately because the Government do not like how they draw profits from their business.

[BARONESS BOWLES OF BERKHAMSTED]

However, those traders are not the big tax cheats, and the Treasury has made a spiteful example of them despite repeatedly shunning possible remedy in the law on dividends.

Ministers claim that the excluded are not without help because they can get bounce-back loans, which might not be sensible financial advice. To get bounce-back loans deployed quickly, the Government suspended application of the Consumer Credit Act. All that was really needed was a variation relating to information and the affordability test but the Government ploughed ahead, removing all safeguards and advertising loans with government underwriting, although the underwriting is actually for the banks and not the individual.

Right from the start, concern about future heavy-handed tactics for repayment were raised. Ministers made assurances that they were in discussions with the banks and forbearance would very much apply but, as time goes on, we find that it is the Government who are the hawks, with banks now worried that they will be forced by the Treasury to take tough action, without promises of forbearance being adhered to.

When it comes to the vast sums spent on procurement, the back story is one of lack of value, low transparency and suspension of due diligence to the extent that it looks like suspension of common sense or, worse, deliberate turning of a blind eye. Some £18 billion of procurement was covered in the NAO's November report, much of it for PPE, for which emergency procurement started two months after that of the EU, by which time global markets had tightened. That was always going to be difficult but it should not have led to the ditching of all accountability and corruption awareness.

A high-priority lane was given to leads referred by government officials, Ministers, MPs and noble Lords. Those leads were considered more credible and treated with more urgency than suppliers that came through normal channels. One in 10 of those in the high-priority lane got contracts and fewer than one in 100 through the ordinary channel. Why was that choice made when legitimate suppliers used the ordinary channel and, as we have heard, ended up being overlooked? Sources in the high-priority lane were not always documented, nor were key decisions, consideration of risks or how conflicts of interest had been identified and managed; nor were contracts published in a timely manner. Then there is what the Public Accounts Committee called the "unimaginable" £37 billion allocated to test and trace, although that was temporarily trumped by the leaked £100 billion plan for Operation Moonshot and its private business contacts.

The NAO said in December that test and trace should make better use of the expertise and knowledge of local authorities. Meanwhile, consultant numbers are still around 2,500, averaging £250,000 a year each and some clocking up nearly £7,000 a day. We must find out how money has really been spent, but the Government have been taken for a ride, paying too many consultants far too much for far too long. Perhaps they were friends too. I hope that, when it comes to a public inquiry, we find out who the profiteers are and who helped themselves ahead of helping their country.

5.25 pm

Lord Desai (Non-Affl): My Lords, it is a pleasure to follow the noble Baroness. I think the Prime Minister is quite right: greed is good, and capitalism works. I disagree with most people who say that the Government have made mistakes and that things have gone wrong. This is precisely how it is meant to work. This is how 18 years of Thatcher government worked. The noble Lord, Lord Oates, had a marvellous time in the coalition, but I remind him that, in the coalition, when we were all supposed to be in it together, the way to cut budgets was to cut corporation tax, because that was important. Of course, you also had to cut welfare spending, but that is not unusual.

In this system, which works, the few gain and the many suffer. That is what we have been living under for a long time and it is not going away. People say that the pandemic changed everything and brought us all together. It did not. Ultimately, NHS nurses ended up working overtime and now are being told that they will not be paid any more. That is the way the world works. Why are we surprised?

Basically, the sequence of a late lockdown and an early end to the first lockdown is simply explained: some people in the Government, especially the Back-Benchers, were impatient to go to the pub, which is every Englishman's right. The Chancellor wanted the economy to resume, so there he was carrying a tray of beer or whatever it was, with his mask on. He just could not wait. The lockdown had to be ended early, because there were profits to be made by people. How could we stop it? Very reluctantly, the Prime Minister reimposed the lockdown. We know how eager he is to lift it, because he cares for liberty. It is basically so that a few are free to go to restaurants or their foreign homes. Who is going to tell Stanley not to go?

We should not have been surprised at all. In every crisis, the poor suffer. There may be no restaurants open, but the food banks have to open, because people cannot go anywhere else except food banks. Black and ethnic minorities invariably suffer. The postcode lottery always works against us. Women suffer, especially elderly women. Children suffer. We know all this. It takes Marcus Rashford to tell the Prime Minister that, if you do not have free lunches available in the holidays, children will starve—in the fourth-richest country in the world. We know all this; none of it is rocket science, but it is precisely how the system works. It is not too much to say that there is not much hope.

When identity cards were going to be introduced, as my noble friend Lord Brooke said, the objection of the coalition Government was about privacy. I remember that the Deputy Prime Minister was a champion of privacy. I am very glad that he needed a huge bribe to give up his principles and join Facebook. I admire that; it is how capitalism works. It is quite impressive.

We economists, naive as we are, believe in learning by doing. Here, we know that there is no learning by doing. We are going to make the same mistakes again and again because we sort of half trust science but we trust the profit motive more. Lives and livelihoods may be important but not everybody's livelihood is that important.

I want to add one more thing. Everybody wants an inquiry—fantastic. I want a long inquiry. They are all long; who remembers Chilcot? It will take ages. Can I please be a member of that inquiry? I too want five years in the QEII Centre, then I will produce a fantastic, 22-volume report, guaranteed to answer all the questions—by which time, I hope, there will be another Government.

5.31 pm

Baroness Gardner of Parkes (Con) [V]: My Lords, as the 40th speaker, I know that many matters and different views have already been covered.

The last 12 months have been a whirlwind not just in the UK but across the globe. The inconceivable has become the reality. The *One Year Report* summarises many of the challenges and the steps taken in response. Some of them were a success; others were reached through trial and error. The vaccinations have been a great success. Those receiving them are grateful for the efforts put in by the national health workers giving them.

We were, and still are, in unprecedented times. It is right that we continue to look forward and respond to the challenges ahead and, where possible, allow more freedom for families to meet up. I welcome the fact that the elections are going ahead this year. The measures being approved will allow voting in person. They will also make masks available at polling stations for those who do not come with one, to allow people to vote in person and not be disfranchised at the polls.

I am also aware that, last week, the House approved special proxy provisions for people who have to self-isolate, or whose proxy suddenly has to self-isolate, on election day. However, even these provisions may not be enough for some to feel comfortable about voting. What more can be done, both nationally and locally, to publicise how to apply for a postal vote? As election day gets nearer, how can people be reminded to complete their postal votes? The administrative steps of how to do so should also be considered.

5.33 pm

Lord Davies of Brixton (Lab) [V]: My Lords, I take this opportunity to register my concern at the many government failings in dealing with the pandemic. This is against not just the number of deaths we have experienced but the long-term effects we will suffer, including both the effects of the illness itself and the collateral damage that it has inflicted on so many families and other human relationships more generally. My sympathy goes to those who have been directly affected; they make it all the more imperative that we recognise what has gone wrong on this Government's watch.

I make my remarks with slightly mixed emotions because I am happy to report that, earlier today, I booked my second vaccine shot, due to the efficiency of the NHS and an excellent local GP practice. To them I say thank you.

In expressing my concern, I make it clear that I in no way wish to give comfort to the anti-lockdown libertarians, who prioritise profit over people and, especially, the care of our elderly. There has to be a public inquiry, sooner rather than later after our next crisis, but that is no substitute for speaking out now.

At this stage of the debate, many points have been made and many concerns expressed about how the pandemic has unfolded. I shall highlight five of them. The first is the inadequate financial support for millions of people, particularly the poorest-paid, including the most vulnerable in our society. That has led to tragedy, not only for the individuals concerned but for society more generally as many simply could not afford to take the steps necessary to protect the rest of us.

Secondly, there is the asymmetry in the legislation, with little or no enforcement aimed at unsafe workplaces. The case of meat processing plants is one particularly salient example, but it is not unique. As far as I am aware, there have been no prosecutions in relation to an unsafe building site, warehouse or call centre where people have been required to attend by unscrupulous employers, some of whom have multiplied their wealth to obscene levels as a direct result of the pandemic.

Thirdly, there have been problems in schools that have particularly affected those families on the lowest incomes, who could not afford the internet connections, the computers or even the pens and paper, not to mention the basic nutrition, needed to gain from at-home, and in some cases in-school, education.

The fourth issue that I want to highlight is the provisions relating to detention and dispersal. These powers are particularly egregious for a state to hold, and it is interesting that they have been retained even though, as I understand it, no declaration has been made in England.

Fifthly, it is clearly not necessary or proportionate to have emergency legislation on the statute book when we have had a year to regularise the position. We must not regularly have emergency legislation lasting for extended periods. We could have had more considered legislation rather than the somewhat rushed legislation that we got. That was understandable in the circumstances at the time but there has been time since to replace it with more considered and detailed legislation to deal with this difficult situation.

We now know that the powers have proved seriously disproportionate and we know about the enormous gaps in support for ordinary people who have lost so much in terms of liberties, livelihoods and even their loved ones during this time.

5.38 pm

Lord Beith (LD): My Lords, I shall concentrate on what I see as the danger that practices and habits developed during the crisis may turn into long-term changes to our democracy. In no way do I underestimate the seriousness of the pandemic threat or the need for decisive government action to lead our response to it, but there have been serious mistakes and there are serious dangers.

First, it has become a habit of government to bypass even the very limited processes for parliamentary scrutiny of secondary legislation with a statement asserting that

“by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.”

That is true of one of the statutory instruments that we are debating today. The Government did that even

[LORD BEITH]

when the changes involved had been announced days or even weeks in advance of the instrument being laid. Emergency and urgency are not the same thing.

The Government are assisted in that habit by the decision not to use the Coronavirus Act for the main provisions that restrict individual liberties but to rely instead on the Public Health (Control of Disease) Act 1984 as amended in 2008. One of the results of that was that hundreds of people were wrongly given fixed penalties, charged or even convicted because the police did not understand the new laws, and in some cases the Crown Prosecution Service appeared not to either. If Parliament had been told during the passage of the Coronavirus Act that different, earlier legislation was going to be used—I do not remember that being mentioned at all during the discussions on the Bill—some of those problems would have been anticipated and avoided. That is one of the benefits of parliamentary scrutiny.

Secondly, the police were left confused and misdirected on both the extent of the law and how to enforce it. That is compounded by the multiple, overlapping and sometimes erroneous legislation they are expected to digest and enforce. The problem is made even worse by a repeated, and probably deliberate, blurring of the line between law and guidance. The term “rules”, which is widely used by Ministers, is one recent example of that, where it was unclear whether he was talking about things which were law or things he was recommending as guidance. The Prime Minister at one point said, “I am instructing you to stay at home”. Prime Ministers do not have a power of instruction.

I have no problem with Governments in a situation like this issuing very strong advice, calling on people to behave responsibly and setting out the dangers to all of us of not doing so. But we will have a problem if the police treat ministerial advice and guidance as if it has the force of law. That is government by decree and government by press conference, and we saw where it can lead at the Clapham vigil.

The problem is made even more serious by legislating that it is an offence for an English citizen to be outwith his or her home in their own country unless covered by specific exemptions, which an officer of the state has to interpret if there is a challenge. That is very different from, for example, a requirement to wear a face mask, a ban on gatherings or a restriction on business premises where there is considered to be a high risk. It is a national curfew, a system of house arrest, which changes the relationship between the state and the citizen. That part of the legal framework expires at the end of this month, and I hope never to see it again.

Returning to the issue of the Clapham vigil and those disgraceful scenes which were witnessed across the world, it is clear that the Government should never have removed from the regulations the right to democratic protest and demonstration, subject to police guidance and existing law. It is far better to facilitate a regulated demonstration with social distancing and control of numbers, with action under existing law to deal with those who subvert peaceful protest by violence, as happened so disgracefully at Bristol.

A further, less well-known feature of the pandemic legislation is that it allowed the Scottish Government to close the border between England and Scotland,

effectively achieving a partial reversal of the Act of Union and breaking up the common travel area. There has not been much enforcement because the police do not have the resources to do that. It may be argued that there was an overriding public health need to impose such a restriction, but I find it curious that neither England, nor the United Kingdom Government and Parliament, had any say in the matter at all.

I return to my central question: what are we doing to rebuild the structure and principles of good governance? We need updated legislation to deal with emergencies, which must be given thorough parliamentary scrutiny and have scrutiny built into its operation. Parliament in both Houses must assert its right to scrutinise secondary legislation without being habitually bypassed by the urgency provision. We must end the confusing language which has the effect of extending law enforcement into advice enforcement and rule by decree. Citizens are entitled to know, and to be correctly advised on, what is legally required of them and what, in the Government’s view, it is socially responsible for them to do. They are not the same thing.

5.43 pm

Baroness Fox of Buckley (Non-Afl): My Lords, I congratulate all those who have got us to a situation in which infections, hospitalisations, ICU admissions and deaths have tumbled, with so many millions of the vulnerable and ever-younger cohorts being vaccinated. It is an amazing achievement, but what does it mean? It effectively renders the virus endemic. It will join the range of respiratory viruses that circulate each winter and do not disrupt our lives—how brilliant. We should be celebrating today that the emergency is over—the data proves it. But the Government, bizarrely, will not admit it. I took the Prime Minister at his word when he claimed that he would follow the data not the dates, but as the data has improved, rather than a review of the road map, those dates seem fixed in aspic.

Some will say that, with only weeks or months before restrictions are lifted, it is churlish to complain about this element. But I remind noble Lords that, outside of here, each hour, each day and each week means more livelihoods destroyed, more industries being trashed and more self-employed made unemployed. It means the horrors of social isolation taking their toll on young and old, and the sheer humiliation for millions of citizens of being deprived of control over their own lives and of being condescended to with the slow drip, drip of their own freedoms dispensed from on high, for which they are expected to be grateful.

If the data shows that we have moved beyond an emergency, what possible moral or political justification can there be for prolonging draconian powers for a minute more than necessary? The Minister assured us—and it is reassuring—that the coronavirus legislation before us has retired unnecessary provisions. Good—but what is a bit worrying is that it contains some of the most extreme detention and disposal powers in British legal history even as we speak, such as the egregious Sections 21 and 22, yet this Government still think they are necessary. Does the Minister?

I am shocked and disappointed. I would have expected all politicians in a free society to be full of revulsion at the state’s acquisition of huge swathes of punitive

powers. Even if you believed that over the past year they were necessary, would you not want to dump them as soon as possible? I find it cringe-worthy to hear the contortions that some are prepared to go through to excuse the extension of illiberalism well past its sell-by date.

The problem is that instead of these laws being reviled, too many seem content to normalise them as an appropriate long-term strategy to manage any ongoing public health challenges, even when there is no emergency. We have heard some brilliant speeches illustrating the dangers of that. When Dr Mary Ramsay from Public Health England said on the BBC at the weekend that we can expect restrictions on travel, laws forcing people to wear masks and social distancing to last for years, where was Matt Hancock with his “Cry freedom”?

Do noble Lords know how demoralising it is that the Government allow this dystopian future to be peddled out without contradiction? Do they realise that it leads people to ask what the point of the vaccine is? When there are knee-jerk statements and then careless talk of “jabs for jobs” or Covid certificates for pubs and pints, which are so divisive and potentially discriminatory, it all fuels fear and uncertainty about the future, as though freedom will never be restored.

What we need to do at the moment is to encourage people to be brave and resilient, so that we can energetically reopen society and reactivate the economy. Surely, if anything, it undermines the Government’s claim that the rapid rollout of the vaccine is working—and the Government told us it was the key to liberty and normal life if we roll it out successfully—if they then do not give back liberty or normal life. Will that not fuel anti-vax feeling? I worry that this refusal to repeal coronavirus legislation and to cling on to the rules dampens the mood of confidence and inadvertently fuels cynicism, because freedom is so elusive. Many people will say, “What is the point of being vaccinated?”.

Finally, many noble Lords have rightly complained about the paucity of debate and scrutiny of laws in the other place and here, but it is worse than that. Effectively, the Government suspended the public square, decommissioned the public and closed down debate. Shut down at home, the public were told to shut up and follow instructions. What a tragedy for democracy that, rather than galvanising the public and treating them as equal adults who can be trusted to take far more personal risk-based decisions, politicians on all sides agreed to use the law to change behaviour. Rather than encouraging a society-wide debate about how to balance risks and harms, or deploying creative bottom-up solutions to everything from the crisis in care homes to what is happening in schools, anyone asking questions not state-approved or rubber-stamped by SAGE was treated as a dodgy denier.

The Deputy Speaker (Lord Lexden) (Con): The noble Lord, Lord Judd, whose name is next on the list, has withdrawn from the debate, so I call the noble Lord, Lord Farmer.

5.49 pm

Lord Farmer (Con) [V]: My Lords, the Coronavirus Act one-year report, published earlier this week, states:

“Since the start of the pandemic, we have dramatically improved our understanding of the virus: the physiological impact it causes, how it transmits, and most importantly, the measures we can take to reduce infection.”

What it tellingly neglects to say is that we have also, dramatically and painfully, improved our understanding of the mental and physical health impacts of those measures—tellingly, because our draconian restrictions have produced a new social order that has infection reduction as the one overriding priority, regardless of how low infections are.

A public health-determined yardstick of risk is firmly in the ascendant and seems likely to remain so for the foreseeable future. Polling showing public support for restrictions cannot be the sole occupant of the driving seat in this House. We are here to scrutinise the likely effects of legislation. We know enough about the effects of lockdowns to give us pause before we renew the regulations being debated.

For the sake of time, I will focus on brain and mind. The monotony of lockdown depletes our memories and makes us sluggish, and screen overload cramps our ability to concentrate. Isolation causes brains to shrink. Lonely people’s brain volumes reduce in the region affecting decision-making and social behaviour. Prolonged isolation affects regions associated with learning, memory and the processing of emotion. Basically, the processing capacity of a brain not constantly challenged through social interaction begins to decline. Loneliness releases stress hormones affecting neurotransmitters such as dopamine, serotonin and adrenaline, which profoundly influence brain function and mood. It also sharply increases the rate of Alzheimer’s disease among the elderly.

Finally, uncertainty drowns creativity—the elixir of progress and the main natural resource for our island race. We were told that the road map would bring certainty, but instead its rate-determining steps inherently mean constantly changing goalposts. For example, if risk assessment is fundamentally changed by new variants of concern, does that mean, as some fear, that our borders will remain indefinitely closed?

Fear is an important factor, which the Government and their spokespeople in the scientific community seem to have no interest in dissipating, possibly because they see it as a vital tool of social control to force people to abide by our particularly extreme restrictions. Their effect has been to penalise the many, due to fear of the misbehaviour of the few. Holidays always seem one more unattainable metric away.

Many parallels have been drawn with the Second World War and the need to keep morale high over that long campaign. I am not a historian of that period, but I seem to recall that the population were regularly inspired to keep going. The diet of public pronouncements we have been living on cannot be so described. Deaths—key to another of the four criteria—are now even lower than in non-Covid times, but this is hardly mentioned. Fear can now be retired and inspiration can take its place.

Finally, if SAGE meeting attendance is determined by the Chief Scientific Adviser and the Chief Medical Officer, surely the likely emphasis will be the low level of risk acceptable to public health, leaving little oxygen

[LORD FARMER]

for mental health and other considerations, such as the need to boost morale, resuscitate the economy and get those who have been laid off working again. My question for the Minister is: at what daily rate of infections, hospitalisations and deaths will we unlock?

At the risk of sounding dramatic, many are concluding that a world run according to a level of risk acceptable to public health is one that might be hardly worth living in. It is absolutely clear that, when the day of reckoning comes as to their handling of the pandemic, the Government will be held to account not just for how well they held down infections but for how they balanced this against these other harms that have emerged over this torrid year.

5.54 pm

Baroness Jolly (LD) [V]: My Lords, I too support the regret Motion in the name of my noble friend Lady Brinton, and I am sure that the noble Lord, Lord Cormack, speaks for many of us.

Many of my noble friends have covered the legislative points that I would have made. Trusting in their liberalism, I will look at this from a practical viewpoint. As things stand, overseas travel for pleasure is illegal. From 15 February, all arrivals at English, Scottish and Welsh airports and seaports are required to undertake two mandatory Covid-19 tests: one on day 2 and another on day 8 of their 10-day quarantine. All passengers, no matter which country they have travelled from, are already required to provide proof of a negative Covid-19 test, taken no more than three days before departure, and must self-isolate on arrival. A passenger locator form must also be completed, with fines ranging from £5,000 to £10,000 for failing to quarantine in a government-approved hotel or at home. Can the Minister tell us whether local government are leading on this work? How many quarantining arrivals slip the net? How many people are required to pay those eye-watering fines?

This system is not peculiar to travellers arriving in the UK. My son, who holds dual British and Australian nationality, has just quarantined in a Sydney hotel, at his own expense, prior to starting a job. After leaving the plane, he and all the other passengers were marched to a bus and delivered to the hotel. I understand that the plane was nearly empty of passengers. Can the Minister tell us what overseas examples were examined when our quarantine and test and trace systems were being set up? There are plenty of examples to look at, yet we ended up with a botched app which failed to work. Not once was I sent a warning notification via the app, yet I cannot believe that I never came close to a Covid risk.

We did not need to start from square one with this. There were plenty of good examples from across Europe and beyond, and I am sure that many noble Lords saw the “Panorama” programme broadcast last Monday. Several south Asian countries are acknowledged as good examples in dealing with Covid. The state of Kerala in India gave local, non-clinical community support to those extended families who were self-isolating, and the population at large were given out umbrellas that doubled as parasols but which, more importantly, were also automatic self-distancing devices.

The approach by South Korea was impressive. President Moon Jae-in spoke of the need for trust and calm. I am not sure how much trust and calm were around in the Department of Health and Social Care during the last year. The South Korean approach to Covid-19 was helped by experience in 2015 of MERS, another coronavirus, which claimed 38 lives. There was no lockdown, no businesses closed, and no hospitals were overwhelmed. Their track and trace systems were ready to go, but so were the regulations introduced for small and medium pharmaceutical companies to produce test kits very quickly. This measure meant that 120,000 tests could be carried out daily almost straight away, whereas the UK struggled to hit its initial target of 10,000.

Countries that have implemented successful test, trace and isolate systems have seen fewer cases and far fewer deaths and have built the trust needed to encourage a culture of voluntary compliance with the rules. It might be worth looking at this as, despite their best efforts, many think that a third wave is inevitable. An isolation policy will only work with an effective long-term local test and trace system, which will need to be in place to handle any outbreaks, whether small or large.

I echo the noble Baroness, Lady Quin, in congratulating the hundreds of volunteers who have delivered vaccines on their days off to countless older and vulnerable people. Those of us who have received our first vaccine know the sense of relief, which was almost instant; it is the first real step out of this bad dream. In light of the new truce, is the Minister confident that we can get our second AstraZeneca jab in early May? There is much concern in the community of older people. What is the department’s plan B? I hope that we will be back to business as usual next year, but I would not place a bet on it.

6 pm

Lord Liddle (Lab) [V]: My Lords, I first pay tribute to the noble Lord, Lord Bethell, for his resilience in surviving a very tough and demanding year. He has faced lots of questions from us and answered them in a fairly straightforward and direct way. I suspect that he will not agree with much of the rest of what I will say.

I particularly endorse the critique made by the noble Lord, Lord Cormack, of the lack of proper parliamentary scrutiny. As he said, we are on a slippery slope, I fear, to a model of elected executive populism at the expense of what we understand to be parliamentary democracy. I support these regulations, though somewhat reluctantly. What the noble Lord, Lord Beith, said in his extremely thoughtful speech should be taken to heart.

The Government are right to feel satisfaction about the vaccine programme, the success of which is a stellar example of the kind of industrial strategy that Governments should have been pursuing for a long time: public investment in a ground-breaking search and imaginative use of public procurement to see development through from the discovery of the science to manufacturing and production based in the UK. It is deeply regrettable that Kwasi Kwarteng this week or last week abandoned the industrial strategy that Greg Clark put in place—we now do not know what environment we are operating in.

However, the success of the vaccine cannot hide the multiple failures of the last 12 months: one of the worst death rates of nations in the developed world; the lack of preparation for the probability of a pandemic, despite the Government having previously identified this as a real risk; the consequent scramble for PPE, causing massive waste, incurring massive costs and using questionable methods of procurement; the lack of testing capacity properly in place; and, for all the billions spent, the failure of the tracing system last autumn, when it was most needed to try to curb the rising infections locally.

Of course, as a Cumbria county councillor, I feel the neglect of local government to be very serious. We have had pathetic sums to help us to provide effective local tracing, despite the fact that we have shown that that is more effective than the national system. Wrong political decisions have been made, such as the Chancellor's Eat Out to Help Out policy—remember that? Was that a Covid-secure thing to do? What about Boris Johnson's refusal last autumn to act quickly to introduce a circuit-breaker when cases were clearly rising far too fast?

As such, we need an investigation into what went wrong, but we also need to examine what Covid tells us about our own social fabric in this country: an NHS stretched beyond reasonable limits, a social care system at breaking point, and a welfare safety net set at levels where families cannot afford to feed their children and that has numerous holes in it, meaning that there are people with insecure jobs and low pay who cannot afford to isolate and too many people falling through the net.

We need to learn the lessons with an inquiry into what went wrong. I also hope that we will take the opportunity to think about what a new Beveridge in the 2020s would be for the United Kingdom. It should be something that all of us in politics could support, just as the consensus was established in the 1940s. This has been a crisis of the state and we have not managed it well.

6.05 pm

Baroness Thornton (Lab): My Lords, we have had a fascinating debate that has highlighted the price we have all paid for this year of Covid. I will speak to the Motion in my name on the Order Paper, which is the same as the amendment being moved in the Commons by my right honourable friend Jonathan Ashworth. I will also address the statutory instruments.

I have recorded many times from these Benches our huge gratitude to all those who have kept us going throughout this year. I attended the reflection ceremony at the Whittington Hospital on Tuesday where I am a non-executive director. It was held outdoors in the grounds and was attended by many of the individuals in that excellent hospital, particularly the ITU staff who had nursed, saved and been at the side of many local people with Covid. One of those staff is a nephew of mine, who is a junior doctor there. The midwives and nurses were there who had ensured that babies were born safely, with every mother having the birth companion of her choice with her throughout. The children's accident and emergency and ward staff were also there. They have been safely working with

parents and children to make sure that they were still being treated for the serious, and sometimes not so serious, illnesses and accidents that children can have. The porters and the cleaners were there. They do the unseen but vital work. The volunteers and the donors of food and treats were there to demonstrate how much we all appreciate the work, as were the leaders of Whittington Hospital, who have worked tirelessly to organise, deliver and support all of their community so they could do the job they needed to do. They are now exhausted and they definitely deserve a better pay offer. They symbolise for me the way that society at its best has coped throughout this awful year.

I am sure that the Minister has, like me, been looking at the record of our debates on this day a year ago as we ploughed a somewhat lonely furrow here in Chamber with a few of us remaining after the country had gone into lockdown two days before, so that the emergency legislation might be put on to the statute book. The noble Lord, Lord Newby, went down with the virus the day after we rose, and I am happy to say he made a complete recovery. However, those of us who had been around with him for those few days did wonder for a week or so whether we would go down with it too. We kept texting each other asking, "Are you all right?", but we all seemed to escape it at that point.

At the time, the Prime Minister said that it would last for 12 weeks, and here in the Lords a year ago the Minister claimed that

"Fundamentally, this Bill is about buying time."—[*Official Report*, 24/3/20; col. 1649.]

Indeed, the whole country united in supporting that and in delivering the lockdown, providing essential public services and ensuring the protection of our NHS and social care services.

I hope the Minister is not going to say again that the renewal of this legislation is about buying time. The Government have had time, and the sacrifice of the people of the UK has now demonstrated that their sacrifice was worth while through the recovery, and we have to rebuild better. We already know that the number of deaths was more than was necessary and that this was almost certainly due to the delays in decision-making. Each delay cost lives. When we eventually have a proper inquiry, it will spell out the cost of the dithering and delay, and we owe it to the grieving families of those who have lost their lives to get on with it. We also know that the years of cuts to vital services such as public health meant that we were ill-prepared at this time last year. The years of austerity made for a population that was less healthy and resilient when the virus struck. Cuts have consequences and those lessons need to be learned again. The inequalities which have resulted from that were described eloquently by my noble friend Lord Davies just now.

What we need to hear from the Minister today is that the Government have learned the lessons of their handling of the pandemic in the last year. I have much sympathy with the view of the noble Lord, Lord Oates, that the Government have squandered cross-party unity sometimes during the pandemic, which was apparent this time last year and has not been built on by this Government during the course of this year.

[BARONESS THORNTON]

We know that the Government will have to account for taxpayers' money that has been spent, misspent or wasted in the last year. That reckoning is to come. We know that the billions spent on test and trace will have to be accounted for, and lessons will have to be learned, so graphically described by my noble friend Lord Haskel in his remarks. The news today does not bode well, when we learn from *HuffPost*:

"Private firm Deloitte is receiving taxpayer cash to help ministers to draft parliamentary answers and media 'lines to take' to defend the Test and Trace".

That raises two questions. I always thought that it was at the heart of an official's job to help Ministers to be accountable to Parliament in a truthful manner. Is it not like marking your own homework if Deloitte is receiving taxpayers' money to answer those questions? The truth about value for money will emerge through the diligence of the NAO, the PAC and the Select Committees, including those in your Lordships' House—and I pay tribute to the organs that we already have—and, in time, the Covid inquiry.

At Second Reading a year ago, my noble and learned friend Lord Falconer said:

"Her Majesty's loyal Opposition support this Bill. In normal times, it would be utterly unacceptable, but these are not normal times. As long as the emergency lasts and these powers are necessary, they should be available to the Government".—[*Official Report*, 24/3/20; col. 1653.]

He was followed by almost every speaker across the House a year ago saying that this legislation was inconceivable except at a time of national emergency. Speaker after speaker expressed anxiety that the powers which Parliament was ceding to the Government were huge and accountability for their use must be assured.

So, what happened? As my noble friends Lord Foulkes and Lord Liddle, and other noble Lords have said, Parliament has been marginalised. In this coming year and in future we have to go back to having proper accountability. I decided that, if we were grading the Government on accountability to Parliament, I might be generous and say C plus—the plus being recognition that the Minister has been present on an almost daily basis to account to the House, to answer questions, to take statements and to deal with dozens of statutory instruments, for which we are all grateful. But he has also had to apologise to the House on several occasions for the lack of prior accountability for regulations that should have been debated before they were enacted, and for the number of times we have debated restrictions on our fellow citizens weeks after they have come into play. This is not accountability, and it is not the accountability that the Minister promised a year ago. So perhaps the end of term report might also say "Must do better"—which is what our regret Motion seeks to achieve.

We supported the Coronavirus Act in 2020, and again at the renewal of the Act six months later, and we will support another six months' renewal of these powers, but we have to say that the Government are absolutely on notice that this is not acceptable any longer. We have to go back to proper accountability. The Act gave Ministers sweeping powers, many of which have yet to be used. We have strongly argued that certain provisions in the Act should be turned off

when no longer needed. We accept that some parts of the Act may still be needed; in practice, the health protection regulations contain many of the legal rules around restrictions and mass gatherings, so turning off sections of the Act that are not needed is a most appropriate step and is welcome. Many noble Lords have raised the question of whether it is time for a different kind of legislation. These questions were asked a year ago—the legislation already exists to take emergency powers, so do we not need to go back to using just that?

We will not be standing in the way of legislation, however, that extends the ban on people being evicted and puts statutory sick pay from day one into law. Nobody wants these regulations in place any longer than they are needed, but we must make sure that this is the last lockdown, and that means being cautious.

I turn to the regulations. I understand that the Government intend to continue the provisions in the Act in respect of the power to amend the requirements of the Children and Families Act 2014 relating to education, health and care. According to status reports, these easements have not been officially used by the authorities since July 2020, so will the Minister explain why these provisions have not been removed so that disabled children and young people are able to access the support they need for their education? That is the main point of those. We will support the renewal of the Act today.

On the statutory instruments and the 29 March changes by which six people in two households can meet, can the Minister explain why these regulations expressly exempt protest, picketing and gatherings organised by charities and political groups? This provision is most welcome, but the Minister is aware of the deeply disturbing police response to the vigil for Sarah Everard in Clapham. The Minister needs to explain what the regulations mean by

"any guidance issued by the government which is relevant to the gathering."

Why was it not possible to make that a Covid-secure gathering at the time? The noble Lord knows that there is great disquiet about this.

Other noble Lords have raised the issue about travel. I think the Minister needs to explain what has become known as the "Stanley Johnson exemption" for travel. I think also, in terms of pubs and beer gardens, the Minister needs to clarify the Prime Minister's intention on whether people will need vaccine passports to go to their local pub, or even to work in their local pub. This is a good example of ambiguity, and ambiguity feeds the pandemic, as we already know.

In conclusion, we on these Benches continue to support, with a heavy heart, the Government's effort to deal with the pandemic, as we did a year ago. We are disappointed about many of the issues that were raised in this debate and we want the Government to do better, be more accountable and work towards lifting lockdown, restoring our economy and moving forwards, not backwards. We do not want to go back to business as usual. We need to look forward to building a more equal society. That is our aspiration and our objective. We will continue to hold the Government's feet to the fire on every occasion. I will not be moving our regret Motion, partly because

I think the Government absolutely understand the concerns of these Benches and of the House, and what needs to happen. If the noble Baroness, Lady Brinton, chooses to move the Motion in her name, I will be abstaining and asking my colleagues and the House to do the same.

6.18 pm

Lord Bethell (Con): I very much thank noble Lords for an incredibly broad and wide-ranging debate. It has been a really honourable birthday party for the Coronavirus Act, and I hope that the Act is grateful for the tributes it has had. I confess that I am proud of the Act, and proud of the collaborative spirit in which it was drafted and passed. I am proud of the measures it supported to make the lives of the people of Britain a lot better during this awful pandemic and I am enormously grateful for the wide-ranging support here in this House during the last year. There has been scrutiny and challenge, but I am grateful to noble Lords for the general tone of support offered to the Government, and to myself in particular.

In terms of the regulations, I think the noble Baroness put it very well: the regulations we are debating today are tough but they are necessary, and I cannot think of a better way of putting it than that. On the specific question asked by the noble Baroness, Lady Thornton, on gatherings, I would be glad to write to her with an answer. On the questions that many noble Lords had on the road map, I am not in a position to do a road map pub quiz from the Dispatch Box right now. The Prime Minister has laid out a really clear schedule and there are update sessions already built into that schedule. Noble Lords will need to wait, I fear, for updates from Downing Street on that.

Instead, I should like to pick out two or three of the major themes that noble Lords raised in this broad debate. One of the most powerful came at the beginning with the comments from the noble Lord, Lord Hunt, reinforced by many other noble Lords, on the issue of health and the question of levelling up. I recognise the deep concerns, which I share, about the spotlight that the pandemic has put on the health of the nation. Without doubt, one of the reasons why we have been hit hard by the pandemic is that large parts of our population are simply not in great shape at the moment. They have either poor health, poor living conditions or poor circumstances. The noble Lord's comments were absolutely spot on.

My noble friend Lord Moynihan put an emphasis particularly on BMI, weight and fitness in the country. They are clearly not good enough and there is widespread acknowledgement of that. That is in no way to shame any individual or section of society. It is a simple fact of life that we do not compare well to other countries. The Prime Minister has spoken movingly about his personal experience and the issue is something that the nation has to have a conversation about. The obesity strategy is a framework for that, but it is not the only thing that we will be doing in this area.

Our reach-in as government—not just as national government but in local government, agencies of government and the NHS—to some parts of society is just not good enough. This is not a BAME issue, although that is part of it; I am talking about everywhere

from the sweatshops of Leicester to the apple orchards of Herefordshire. There are too many communities where we simply do not get our message across or have a dialogue, and where our services are not provided in a way that people find accessible. We have to ask ourselves tough questions about how we can do better. That is because we are only as good as a nation as the health of the most vulnerable people in our society. That includes everyone from working-class white communities in South Wales all the way through to those in the mill towns of northern England. We have to work with faith groups, on our languages and on the services that we offer in a great many ways.

We have to join up our healthcare services. That is something for which the healthcare system has been calling for a long time, which was apparent during our engagement exercise two years ago. It is well built into the NHS Bill that will be coming our way very shortly. We have to join up primary, secondary and public health across the piece. Only in that way can we address the population health issues that have bedevilled the country in the past year.

Lastly, we have to embrace technology. We have done a huge amount of good work in the past year with data, med tech and a more 21st-century approach to healthcare. There is still a huge amount that we need to do. We need to encourage people to engage with their own patient records and data and help them to understand that they can take greater responsibility for personalised medicine if they engage with their patient records and systems. I am optimistic that we can make progress in that area.

My noble friend Lady Noakes and a great number of others remarked on the impact of the pandemic, not just on those who have been ill from Covid but on all the others who have not had either elective surgery or treatment, or missed out on diagnostics and testing—those secondary impacts on the healthcare system. That does not come as a surprise. It is neither a secret nor a conspiracy. It is exactly how epidemics hit healthcare systems. It happens time and again.

Baroness Penn (Con): My Lords, I am sorry to interrupt the Minister's speech but those participating remotely cannot hear it. Therefore, the House will adjourn while we try to resolve the technical issues.

6.24 pm

Sitting suspended.

6.30 pm

Baroness Penn (Con): My Lords, I am afraid that the technical problem is not yet resolved. The House will therefore adjourn until a convenient moment after 6.45 pm.

6.30 pm

Sitting suspended.

6.45 pm

The Deputy Speaker (Lord Russell of Liverpool) (CB): My Lords, the debate will now continue. My apologies for the system going down. I call the Minister to continue his speech.

Lord Bethell (Con): My Lords, to pick up from where I left off: as my noble friend Lady Noakes quite rightly pointed out, the effect of the virus is not limited to those who catch the disease; it has a profound effect on the entire healthcare system. We are going to work extremely hard to catch up; £1 billion of funding has already been committed, with £325 million on diagnostics. These are massive commitments, and we want to use the catch-up as a forcing agent for important improvements to our healthcare system. It will make it more efficient and deliver a better patient outcome.

I know many noble Lords have been focused on social care. The pandemic has certainly hit the social care of both adults and children extremely hard. Any pandemic is going to hit the most vulnerable. But we have moved emphatically to meet the challenge of the pandemic. We have done everything we could to keep the infection rate down, with a huge cost to the Treasury. We have put special measures in for PPE, for care workers and for diagnostics, and we have put in a strict vaccine prioritisation scheme which saw those living in social care at the front of the queue.

On illegal immigrants, I reassure all noble Lords that anyone who is in the UK, whether they have a passport, NHS registration number or any other administrative practicalities, can have the vaccine under any circumstance. They do not need to be plugged into the formal structures of the NHS. It is, however, a terrific opportunity for the NHS to upgrade its patient records and its systems, and the NHS is grabbing that opportunity with both hands. It is also an opportunity for patients to engage with their own patient records, as I discussed earlier.

There are many reasons the pandemic has hit the healthcare system so hard. But there are also many reasons for us to use this immense disruption as an inflection point for improving the healthcare system we have got. The launch of the UKHSA, which was announced yesterday, will combine test and trace, PHE and the JBC in a new pandemic protection agency, with a huge impact in resources. The NHS Bill will, as I said earlier, bring together a new collaborative approach between the different arms of the healthcare system. There will be an overall pivot from late-stage acute medicine to early-stage preventive medicine, which was already outlined in the NHS long-term plan. The vaccine itself is the ultimate icon and metaphor for the preventive approach. We are going to be working extremely hard on that agenda.

There are also terrific behavioural changes in the public, who are embracing new technologies such as telemedicine, have appreciated the value of tests such as the Covid test and will, we hope, take a more positive approach to vaccines such as the flu vaccine. We are preparing for a very large flu vaccine season in the autumn and winter.

A number of noble Lords raised the question of private enterprise and the accusation of corruption. I completely and utterly, once again, reject the baseless accusations the noble Lord, Lord Scriven, and others have made of corruption and cronyism. Yes, we made a national call to action for everyone to step forward to help us out. Yes, thousands replied, including hundreds from this House. Yes, the quality was variable, to put it politely. Yes, we triaged that list. But that was not

fishy; that was efficient. His accusations are without evidence; they are corrosive, and they are demeaning to those who have served this country so well.

To the noble Baronesses, Lady Bennett and Lady Bowles, the noble Lord, Lord Desai, and others who have alluded to the role of private enterprise in this pandemic, let me say this: it is completely dreamy to think that we could have dealt with this pandemic without the enormous support of private enterprise. The vaccine was provided by AstraZeneca. It was only because of its innovation, manufacturing skills, reach and expertise that we are where we are today. Manufacturing is done by a large number of private firms, including for diagnostics and PPE. The surge capacity of major outsourcing companies is absolutely essential when stepping up to a pandemic of this kind. I do not need to remind noble Lords in this Chamber that the services of GPs, dentists, radiographers and a large amount of the NHS's capacity are provided by those who own their own companies. Many of the contractors who build and clean our hospitals and care for the people we love are from private enterprise. Those who denigrate the contribution of private enterprise do those who care for us no service at all. Rather than demonising the private sector and those who work in it—

A noble Lord: Nobody has done that.

Lord Bethell (Con): Yes, they have. Order!

Rather than demonising the private sector and those who work in it, we should be celebrating the invaluable contributions of those who have given so much. I single out the noble Baroness, Lady Bennett, who did exactly that.

Some noble Lords, including the noble Baronesses, Lady Thornton and Lady Brinton, have expressed concern about the transparency of the Government's approach. I assure both of them that transparency absolutely has been our watchword. We have published SAGE minutes, SPI-M minutes and SPI-B minutes. We have published an enormous amount of epidemiological information from the ONS, from REACT and from public and local authorities. No. 10 has given regular briefings on an almost daily basis. We have published the major contracts of those suppliers who have supplied us. We really could not have done more to share the intellectual property, analysis and commercial details of our response to this pandemic.

To those noble Lords with concerns about the workings of the virtual House under the circumstances of the pandemic, let me say this: I completely understand and share the frustrations of those who feel that the current circumstances are not a full-blooded version of Parliament in normal times. I agree that it is not the same. I think that Ministers get the scrutiny they deserve—they are under an enormous amount of pressure—but I acknowledge the points made by my noble friend Lord Cormack and others who yearn for a return to normal service.

The House has been heard in the debates that I have been in. The House has been heard when it has called for a great number of reforms. In different debates, I have run through lists of where we have moved on issues that the House has raised in particular. I have been here. I have appeared at the Dispatch Box 248

times. There have been 1,959 individual speaking events. There have been 25 Oral Statements, eight general debates, 28 OPQs, 17 TPQs and 1,229 FoIs. The idea that we have not been accountable is not quite right. I want to take a moment to thank the Lord Speaker, the usual channels and the staff of the Houses of Parliament for the amazing job they have done to keep the House open. I know that I speak on behalf of all those in the Chamber when I say that.

The noble Baroness, Lady Noakes, said that she is concerned about the impact assessments and economic analysis. This has been a recurring theme in many of our debates. As Health Minister, I have some sympathy for her points, but I would point her to *Analysis of the Health, Economic and Social Effects of COVID-19*. It is an utterly emphatic document that answers many of the points she alluded to. While she may not like the findings, the report does make it clear that the colossal and massive effects of the pandemic are so huge that there is no way of avoiding them other than getting rid of the pandemic itself.

I was greatly moved by the words of my noble friend Lady Stroud and her concerns about a torrent of fear, but I will be honest: I do not recognise the situation that she described. The idea that the press has somehow been cowed into submission and some kind of blind compliance by politicians or regulators is simply not my experience. The idea that scientists have been pressurised by the Government is not the view of the scientists themselves, nor does the evidence suggest that the great British public have been intimidated by government excess. In fact, it is the opposite: as noble Lords have heard from me before, the evidence suggests that the British public support enormously the NPIs, lockdowns and infection controls that we have put in place. That support for lockdown measures remains extremely high.

We are here to make laws. My experience of making laws over the past year is that they are being put in place not to lead to prosecutions or in any way intimidate the public but to be clear. The public deserve and expect Governments to be crystal clear about the behaviours that they hope for from the public. We respect the good sense of the British public, who, for their part, have a need, interest and requirement to know what is expected of them. That is why we reach for the law book when we are applying lockdown and NPI measures. I was hugely moved by the words of my noble friend Lady Stroud on the mental health of young people, but suggest that the connection between this and government lawmaking is not as strong as she suggests.

A number of noble Lords spoke of a dystopian legacy from the pandemic. My noble friends Lord Farmer and Lady Noakes, and the noble Baroness, Lady Fox, spoke in moving terms about the loss of liberty, coercion, mandation and a perpetual cycle of locking down, and remarked, quite rightly, that these are un-British values. As I have said before, I never expected to be standing at the Dispatch Box bringing in these kinds of regulations. But I think that my noble friend Lord Farmer overreaches when he says that we are creating a world that is hardly worth living in. We are protecting those who are vulnerable and those who are elderly.

While the challenge of the pandemic is enormous—the effects on health, education and the economy are profound—my outlook is much more optimistic than that of my noble friends. There is an opportunity for a positive legacy from this pandemic. It takes the form, for instance, of the reboot to our health system that I described earlier. There is an opportunity for a degree of civic renewal, evidenced, for instance, by the massive volunteering that we saw in both the return of healthcare professionals and those who sought to help their neighbours and those in need. There is great evidence that the British people want to be involved in supporting their neighbours and loved ones, and that is an opportunity that we should grab.

There has been a massive reboot in our attitudes to the old and the vulnerable. For those who saw them, the Shipman documentaries on the BBC raised the question of whether we have respected, cared for and loved the old. In this pandemic, we have seen how the lives and final years of the vulnerable are valued. The whole of British society has made an enormous sacrifice to demonstrate its love for the elderly and the vulnerable. We should hold on to that.

There is a new confidence around science, particularly around the vaccine, the ability of science to solve problems and Britain's commitment to scientific discipline. And there is a new confidence about Britain's role in the world. Those are British values that we should be proud of and can hold on to. If we make the right decisions, we have a chance to make sure that there is a benign legacy from this awful pandemic. We need to take the right steps to do that, and that is what lies before us in the year ahead.

In the spirit of that optimism, I ask the noble Baroness, Lady Brinton, to stand down from her Motion to Regret. Nothing is perfect. Much of what happened during the pandemic is admirable, but we are in a much better place today than we were, and I very much hope that she sees fit to withdraw her Motion.

Motion agreed.

Covid-19 Pandemic and the Coronavirus Act 2020

Motion to Regret

7 pm

Moved by Baroness Brinton

That this House expresses its sorrow at the 126,000 deaths in the UK caused by the Covid-19 pandemic; regrets that Her Majesty's Government failed to learn the lessons from the earlier stages of the pandemic in order to prepare for the winter of 2020-21 and is therefore continuing to treat each development as a new public health emergency; further regrets that some of the powers in the Coronavirus Act 2020 have caused confusion amongst police and prosecutors, leading to more than 252 people being wrongfully charged; further regrets that despite provision for payments to the self-employed and those self-isolating, too many have been unable to claim payments due to the rules; regrets that the one year status report was presented to Parliament only three days before debate, along with substantial Regulations for the House to consider at the same

[BARONESS BRINTON]

time; and therefore calls on Her Majesty's Government to publish a comprehensive plan to manage surges in cases through quarantine, test, trace and isolate to prevent the importation and increase in the number of cases of Covid-19 and any new variants.

Baroness Brinton (LD) [V]: My Lords, I start by thanking the experts in the broadcasting unit for getting us up and running again after that technical problem. They do a wonderful, but invisible, job and I am always grateful for their patience. I thank the Minister for his careful and considered response, but it did not actually address the key issues that I was raising. I also thank all today's speakers. From every part of your Lordships' House, Members have told the Government very bluntly of their many and serious concerns. Their message is clear: the Government, having taken powers to themselves, should immediately both deal with the legislation that needs to be amended or repealed and learn the lesson of what has gone so badly wrong over the past year, to prevent repeats in the future.

I hope that noble Lords will also join me in supporting my Motion to Regret, which will send a message to the heart of government to take that action now. I beg to move and wish to test the opinion of the House.

7.01 pm

Division conducted remotely on Baroness Brinton's Motion Contents 119; Not-Contents 279.

Baroness Brinton's Motion disagreed.

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Covid-19 Pandemic and the Coronavirus Act 2020

Motion to Regret

7.13 pm

Tabled by Baroness Thornton

To move that this House regrets that the handling of the Covid-19 pandemic by Her Majesty's Government has resulted in one of the highest death tolls in the world and the worst economic crisis of any major economy; and calls on Her Majesty's Government (1) not to end economic support related to the pandemic before restrictions are lifted, enabling the safe reopening of society and the protection of jobs, (2) to support the NHS in facing the unprecedented challenges of Covid-19 and in driving up vaccination rates in hard to reach areas, and to ensure that all those who are required to self-isolate are able to do so, (3) to ensure that all the powers used in the Coronavirus Act 2020 are transparent and proportionate for all citizens, (4) to give consideration to reviewing the Act in three months' time, (5) to lay before each House of Parliament no later than 16 April a report on prosecutions that have been made under section 21 of the Act, including an assessment of the proportionality of such prosecutions, and an equality impact assessment thereof, and (6) to lay before each House of Parliament no later than 16 April and each month thereafter a report on any disproportionate impact of the Coronavirus Act 2020 on individuals or groups.

Motion not moved.

Health Protection (Coronavirus) (Wearing of Face Coverings in a Relevant Place and Restrictions: All Tiers) (England) (Amendment) Regulations 2021

Motion to Approve

7.14 pm

Moved by Lord Bethell

That the Regulations laid before the House on 5 March be approved.

Relevant document: 49th Report from the Secondary Legislation Scrutiny Committee. Instrument not yet reported by the Joint Committee on Statutory Instruments.

Motion agreed.

**Health Protection (Coronavirus,
Restrictions) (Steps) (England)
Regulations 2021**

Motion to Approve

7.14 pm

Moved by Lord Bethell

That the Regulations laid before the House on 22 March be approved.

Relevant document: 50th Report from the Secondary Legislation Scrutiny Committee (special attention drawn to the instrument). Instrument not yet reported by the Joint Committee on Statutory Instruments.

Motion agreed.

House adjourned at 7.14 pm.