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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

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<b>Abbreviation</b>	<b>Party/Group</b>
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind 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

Wednesday 16 June 2021

The House met in a hybrid proceeding.

12 pm

Prayers—read by the Lord Bishop of Leeds.

## Arrangement of Business

Announcement

12.07 pm

**The Lord Speaker (Lord McFall of Alcluith):** 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. I ask all Members to respect social distancing and wear face coverings while in the Chamber except when speaking. If the capacity of the Chamber is exceeded, I will immediately adjourn the House.

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

## Fishing Industry

Question

12.08 pm

Asked by **Baroness Ritchie of Downpatrick**

To ask Her Majesty's Government what assessment they have made of the sustainability of the fishing industry in the United Kingdom since 1 January.

**The Minister of State, Department for the Environment, Food and Rural Affairs and Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park) (Con):** My Lords, as a responsible independent coastal state, we are committed to developing world-class sustainable fisheries management, safeguarding stocks and the environment for the long term. This is underpinned by the Fisheries Act 2020, which provides a framework for a UK-wide joint fisheries statement and fisheries management plans. We remain committed to the principle of fishing at maximum sustainable yield through the Act and to extending the number of stocks fished at MSY through negotiations with other coastal states.

**Baroness Ritchie of Downpatrick (Non-Aff) [V]:** My Lords, what assurances will the Minister provide to Northern Ireland's fishermen that their share of the new or additional proportion of fishing quota secured by the UK from the EU as part of the trade and co-operation agreement will not be reduced from 2022 onwards, and that the Government will look towards restoring a share of this new quota in line with Northern Ireland's fixed-quota allocation share, as well as protecting all those—[Inaudible.]

**Lord Goldsmith of Richmond Park (Con):** My Lords, the UK-EU trade and co-operation agreement, covering the whole of the United Kingdom, provides a significant

uplift in quota for UK fishers, which is estimated to be worth around £146 million for the whole UK fleet. That is equal to just over 25% of the value of the average annual EU catch from UK waters and is being phased in over five years, with the majority of that value being transferred this year. That applies to the whole of the United Kingdom.

**Lord Woodley (Lab):** My Lords, the sustainability of the fishing industry in the UK is of course a critical matter, as noble Lords will all agree. Does the Minister agree that the sustainability of the car industry is also crucial to the economy of our country and join me in welcoming the Prime Minister's statement that the Government—in fact, both Houses—will do whatever is necessary to make sure that the car plant in Ellesmere Port, my home town, is sustained? Will he join me in wishing every success to the ongoing negotiations?

**Lord Goldsmith of Richmond Park (Con):** I certainly join the noble Lord and, no doubt, the whole House in wishing the greatest luck to our negotiators. On sustainability generally, I think the UK can say that we are world leaders. We have 372 marine protected areas, protecting nearly 40% of our waters; we have created a new £500 million Blue Planet Fund; we have been one of the most active members of the Global Ghost Gear Initiative; and, for UK waters, including our overseas territories, we now protect an area of water larger than India.

**The Earl of Shrewsbury (Con):** My Lords, my noble friend will be aware of the hardships experienced by our coastal fishermen and their families during the past couple of years. What financial and other support have the Government provided to assist those fishing businesses to invest in processing facilities, to enable them to sell direct to the public?

**Lord Goldsmith of Richmond Park (Con):** My Lords, the UK Government are absolutely committed to investing in the seafood sector, and a range of government initiatives over several years has allowed the sector to invest in its businesses, including investment in processing and marketing equipment that supports the expansion of markets both here and abroad. We also established the domestic seafood supply scheme last year and a partnership with Seafish on the consumer-facing and highly successful Sea For Yourself campaign.

**Lord Cameron of Dillington (CB) [V]:** My Lords, what plans does Defra have to introduce restrictions on the fishing carried out in all our marine protected areas, with particular reference to those types of fishing which damage the ocean floor and its habitats?

**Lord Goldsmith of Richmond Park (Con):** My Lords, a new by-law power in the Fisheries Act 2020 allows the Marine Management Organisation to protect offshore MPAs from damaging fishing activity, and work on this has already begun. In February, it launched consultation on proposals to better manage activity in four of England's offshore MPAs: the Canyons; Dogger Bank; Inner Dowsing, Race Bank and North Ridge; and South Dorset. The aim is for by-laws for these sites to be in place this year. The MMO is developing

[LORD GOLDSMITH OF RICHMOND PARK]

an ambitious programme for assessing more sites and implementing more by-laws to manage fishing activity in all our offshore MPAs.

**Baroness Hayman of Ullock (Lab):** My Lords, during the passage of the then Fisheries Bill, the Government argued against Labour amendments to redistribute part of the UK's quota from foreign-owned trawlers to smaller domestic fishers, and to introduce a national landing obligation to ensure that the proceeds of fishing activity in British waters flow through our economy. In resisting the amendment, Ministers claimed that their own initiatives were out for consultation and would then come on stream. Can the Minister update the House on these schemes?

**Lord Goldsmith of Richmond Park (Con):** My Lords, I am afraid I am not yet in a position to provide that update, but I will do my utmost to ensure that it is made available as soon as possible.

**Lord Roberts of Llandudno (LD) [V]:** My Lords, I grew up in Conwy, which was then a busy fishing community and is still heavily involved—tragically at times. Even this January, a fishing boat, the “Nicola Faith”, was lost with all its crew. Fishing can be a very perilous job for those involved, and we need the rescue operation—the coastguard, helicopter searches and, possibly best known, the RNLI, with 444 lifeboats around our coast. It is a legendary charity. Has the Minister had any discussions whatever with those organisations, especially the lifeboat organisation, which I am sure has suffered in fundraising because of the pandemic—anything to make sure that we keep the lifeboats and are able to support them adequately, as they are vital back-ups to our fishing fleet?

**Lord Goldsmith of Richmond Park (Con):** The noble Lord makes an extremely valuable point. I have absolutely no doubt that the Fishing Minister, my colleague Victoria Prentis, and our representative here in this House, my newly appointed noble friend Lord Benyon, have had meetings with the lifeboat organisations and others that the noble Lord mentioned. Of course, the difficulties he describes have been heavily exacerbated by the pandemic, as in almost every sector. I was pleased that up to £23 million of emergency funding was made available during the first part of this year to support the seafood business affected by the impact of Covid-19, as well as the new and tricky import conditions.

**Lord Hay of Ballyore (DUP) [V]:** My Lords, as we have now left the European Union, we all want to build the foundations for a strong and prosperous fishing industry, and this can be done only with the appropriate investment to sustain the industry right across the United Kingdom. Does the Minister agree that central funding will be required over the next number of years to sustain the industry long into the future, and can he confirm that, as a starting point, British fishing vessels will be given priority access to British fishing waters?

**Lord Goldsmith of Richmond Park (Con):** My Lords, British fishing vessels will of course have greatly improved access to British waters. In addition to the emergency

funding that I mentioned in response to the previous question, we have delivered our manifesto commitment to maintain fisheries funding by allocating £32.7 million at the spending review to support the seafood sector. This is equivalent to the average annual amount delivered through the European maritime and fisheries fund, so our support base is not only maintained but continues to grow.

**Lord McColl of Dulwich (Con) [V]:** My Lords, so far the trade deal with Norway, Iceland, Greenland and the Faroe Islands is concerned, can the Minister tell us the details of the fishing arrangements and how welcome these will be to the British fishing industry?

**Lord Goldsmith of Richmond Park (Con):** My Lords, the recently announced trade deal with Norway does not address access to waters or exchange of fishing quotas with Norway or the Faroes; those are negotiated separately under our fisheries framework agreements. With Iceland, we have a new memorandum of understanding in place, and we are keen to co-operate with Iceland on a wide range of fisheries policy areas and share best practice—in the interest, of course, of our fishing industry.

**Baroness Bryan of Partick (Lab) [V]:** My Lords, can the Minister confirm the Scottish Government's assessment that, far from having substantially increased opportunities, the Scottish fishing industry will in future have access to fewer of the fish it needs to be profitable, and does he accept that fishing communities will suffer as a result?

**Lord Goldsmith of Richmond Park (Con):** My Lords, I do not believe that is the case. Catch limits, known as total allowable catches, have been set for 70 fish stocks at the EU-UK annual negotiations, and the total value of the UK-EU fishing opportunities for the UK in this year is approximately £330 million. This equates to around 160,000 tonnes. In real terms, the access we have across the whole of the United Kingdom has grown, not shrunk.

**Baroness McIntosh of Pickering (Con):** My Lords, the inshore fisheries sector could do well to have an increased quota from just the sort of overseas trawlers' quota that is now available. Will my noble friend endeavour to keep that under review, and will he ensure that the sustainability of inshore fisheries will not be threatened by the plethora of offshore wind farms to be placed in the North Sea?

**Lord Goldsmith of Richmond Park (Con):** I will certainly convey my noble friend's message to my colleagues in Defra, who I am certain will be willing and able to make that commitment. In relation to the sustainability of inshore fisheries, there is undoubtedly a tension between those activities and new wind farms, but Defra colleagues are confident that those tensions can be ironed out and problems can be avoided.

**The Lord Speaker (Lord McFall of Alcluith):** My Lords, the time allowed for this Question has elapsed.



## Public Representatives: Online Abuse Question

12.19 pm

Asked by **The Lord Bishop of Leeds**

To ask Her Majesty's Government, further to the fifth anniversary of the murder of Jo Cox MP, what assessment they have made of (1) the security needs of public representatives subjected to online abuse, and (2) the need for regulation to tackle such abuse.

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con):** My Lords, I think that this is a very solemn day for all of us as we remember Jo Cox's tragic murder five years ago. I am sure that the House joins me in acknowledging the courage of her sister, whatever our party affiliations, in standing as a candidate in the by-election in Jo's former seat.

The online abuse and intimidation of public representatives is completely unacceptable. It risks deterring talented people from entering public life and has a chilling effect on democracy. We are absolutely committed to protecting public representatives' security both online and offline. The online safety Bill will play an important part in this.

**The Lord Bishop of Leeds:** My Lords, I am grateful to the Minister for her Answer. Given that Jo's murder was partly fuelled by online conspiracy communications and that violent language sometimes leads to violent actions, how can the Government strengthen even the online safety Bill? We already have the Malicious Communications Act, but it seems to do little to deter bad behaviour. Will the online safety Bill be properly resourced and enforced to provide protection for public representatives both actually and online?

**Baroness Barran (Con):** I hope that I can reassure the right reverend Prelate. We are absolutely clear that Ofcom, in its role as the regulator here, will be properly resourced. We are also clear that the approach in the Bill provides absolutely clarity, if it did not exist already, for social media companies and others on the expectations for how they enforce their terms and conditions, that there will be clear mechanisms for user redress and that there will be very significant enforcement powers.

**Lord Harris of Haringey (Lab):** My Lords, this is not just about MPs, of course. When I was a council leader—admittedly, before social media—receiving abuse and violent threats was common. One individual pursued me in the street and in the supermarket, as well as by phone, with abuse directed at family members and work colleagues, and by pinning up defamatory notices around the locality. He ended up in prison for unrelated violence. He would have relished being able to disseminate his abuse via social media. Of course, social media companies must be much more proactive in dealing with this—I hope that the online safety Bill will help with that—but does the Minister agree that the policing resources available are inadequate for the scale of the

problem of dealing with fixated individuals before they escalate to violence? The Metropolitan Police's parliamentary liaison and investigation team does a wonderful job, but where is its equivalent for local government?

**Baroness Barran (Con):** The Government aim to make sure that people can operate in the public sphere safely at all levels, as the noble Lord rightly highlights. We expect the Bill to make a great difference to that when it becomes law. It is clear that, when the police use their existing powers, particularly under the Investigatory Powers Act, they are successful in identifying anonymous users online in particular.

**Baroness Fox of Buckley (Non-Aff):** My Lords, I declare an interest as someone whose receipt of online abuse is somewhat off the scale but who feels uncomfortable with public figures playing the victim card on this. I feel even more uncomfortable with the implicit conflation of a brutal murder with a Twitter pile-on. Does the Minister agree that there is a danger in principle of confusing physical harassment, such as was horribly meted out to the BBC journalist Nick Watt, with online trolling, however unpleasant it may be? Does she note free speech activists' concern that online abuse is being used to justify censoring lawful content? My fears about the online safety Bill outweigh any fear of harassment.

**Baroness Barran (Con):** The noble Baroness is right to raise the unacceptable abuse that Nick Watt received the other day. I highlight that we have just published our *National Action Plan for the Safety of Journalists* and a call for evidence is live at the moment. I encourage your Lordships to contribute to that as appropriate.

**Lord Cormack (Con):** My Lords, as we remember a very brave and remarkable woman, should we not also take on board the fact that public life has been further coarsened and cheapened since her death by the indiscriminate use of social media? Should we not take steps to outlaw anonymous contributions to social media?

**Baroness Barran (Con):** The Government are clear that abuse is unacceptable, whether anonymous or not. Our intention is to try to address that.

**Lord McNally (LD):** My Lords, all our thoughts are with the Cox family today. Does the Minister agree that what we now know makes it more and more clear that the report of the noble Lord, Lord Puttnam, for this House, *Digital Technology and the Resurrection of Trust*, should be included in the work of both the pre-legislative scrutiny committee and the final Bill committee?

**Baroness Barran (Con):** As the noble Lord knows, we look forward to pre-legislative scrutiny starting. It will be up to that panel to decide what they will cover within it.

**Baroness Fall (Con) [V]:** My Lords, I, too, pay tribute to the inspirational Jo Cox as a model public servant, campaigner and mum, whose tragic murder

[BARONESS FALL]

we remember today. In a healthy, just and open democracy, our representatives should be free to speak out without fear of recrimination, whether physical or from online abuse. Sadly, we see MPs and others, particularly women, bullied out of public life. In my view, a good start in curtailing online abuse would be to end anonymity. Transparency would help to restore accountability in one stroke. Does the Minister agree? If so, what steps is she taking to deliver this?

**Baroness Barran (Con):** As my noble friend knows, this is a complicated area. Anonymity provides protection for a number of groups that deserve it but can be seen as an enabler of those who choose to abuse. In the first instance, it should be for social media companies to close the gaps that so many of us feel exist between their quoted terms and conditions and our experiences online.

**Baroness Wheatcroft (CB):** I, too, pay tribute to Jo Cox, a brave woman. However, I agree with the noble Lord, Lord Cormack, and the noble Baroness, Lady Fall, that anonymity online seems to encourage the worst sort of behaviour in those who wish to be abusive. There must be more that can be done to stop that. Whenever this issue is raised, the Minister tells us about the need to preserve free speech, protect those suffering from terrorism and so on, including the need to offer them some means of making their case felt. I appreciate that, but if you Google “anonymity online”, what pops up is a company that boasts “We tell nobody anything and, for £5 a month, you are guaranteed complete anonymity.” I do not believe that that is saving anybody from terrorism.

**Baroness Barran (Con):** The noble Baroness makes her point very powerfully. I imagine that issues around anonymity will be covered by the pre-legislative scrutiny committee, and I look forward very much to its reflections.

**Baroness Merron (Lab):** On the anniversary of the murder of Jo Cox MP, may her memory be for a blessing. It was an absolute disgrace to see the BBC’s Nick Watt pursued in the street as though he were an animal being hunted down. Decency and democracy demand that journalists can go about their business free from abuse, harassment and physical violence. How does the Minister plan to tackle the growing culture that makes some people think that they have an inalienable right to abuse public figures online and in person? What assessment has been made of the impact of this on the likelihood of underrepresented groups taking their place as public figures?

**Baroness Barran (Con):** I am not aware of a formal impact assessment of the nature that the noble Baroness suggests, but I am sure she will agree with me that it can only have a deterring effect given the preponderance of abuse towards minority groups in particular.

Going back to the safety of journalists, in the action plan, which was developed together with the National Union of Journalists, the police and others, there are clear calls for training for the police so that they can respond to those issues.

**Baroness Helic (Con) [V]:** My Lords, five years on from the despicable murder of Jo Cox, the values by which she lived should continue to inspire us all. During the passage of the Domestic Abuse Bill, I witnessed the relentless online abuse to which some women—activists, academics and survivors of domestic abuse—who spoke out on the issue were subjected. Will the Government commit to working with politicians and public figures from all parties and from civil society in reviewing online abuse and developing strategies to counter it?

**Baroness Barran (Con):** We are absolutely open to and are already working on this issue. I have met with numerous women’s groups with great expertise on this issue and we will continue to do so.

**The Lord Speaker (Lord McFall of Alcluith):** My Lords, the time allowed for this Question has elapsed.

## Young People: Post-pandemic Employment Question

12.30 pm

Asked by **Lord Rose of Monewden**

To ask Her Majesty’s Government, further to the Office for National Statistics’ *Employment in the UK* data, published on 23 March, which showed that 63 per cent of payroll jobs lost during the COVID-19 pandemic had been held by workers under the age of 25, what steps they will take to ensure that young people have access to education and training that is focussed on the skills and knowledge employers will require in the post-pandemic world.

**Baroness Penn (Con):** My Lords, through the Government’s plan for jobs, we have provided unprecedented support to young people at risk of long-term unemployment, with access to the skills and training they need to progress, including through expanded traineeships, sector-based work academies and the Kickstart programme. In the longer term, we are placing employers at the heart of our skills reform, including through the Skills and Post-16 Education Bill currently being considered by your Lordships’ House.

**Lord Rose of Monewden (Con) [V]:** I thank the Minister for her reply. Sadly, the reality is different from the Government’s rhetoric. Employers and the Fashion Retail Academy have done what the Government have asked of them: they have worked together to design courses that will equip young people with the skills that this hard-hit retail industry needs as it adapts to the changes in the way people are shopping—changes accelerated by the Covid pandemic. Yet the Education and Skills Funding Agency seems oblivious to the need for change. It has refused point blank to help fund student places for these courses. Will the Minister please instruct the ESFA to change its out-of-date policies and join the real world?

**Baroness Penn (Con):** My Lords, it goes slightly beyond my powers and remit to instruct the Education and Skills Funding Agency, but I will certainly take

the noble Lord's comments and those of his sector back to the department to have that conversation.

**The Lord Bishop of Oxford [V]:** My Lords, during their working lives this generation will face the full implications of not only the Covid pandemic but the fourth industrial revolution and the need to transform our economy to net zero. Young people will need to build meaningful careers, not simply survive from gig to gig. Can the Minister therefore explain where strategic thinking is happening and where policies interlock to provide the skills, employment safeguards and quality jobs, linked to national priorities, which young people will need?

**Baroness Penn (Con):** My Lords, a key part of the lifetime skills guarantee supported by the lifelong loan entitlement is that people will have access to skills progression throughout their lifetimes. That can be used flexibly and to deliver those skills, we are building on the successes of apprenticeships and T-levels to ensure that high-quality qualifications meet employer-led standards and that training is directly linked to the skills they need for high-quality jobs.

**Baroness Stroud (Con) [V]:** My Lords, from my time at the DWP, my current work analysing data and metrics at the Legatum Institute and as chair of the Social Metrics Commission tackling the depth and persistence of poverty, it has become abundantly clear that, if you cannot measure it, you cannot manage it. The Government's ambitious levelling-up agenda is to be applauded but, as they look to build back better, what tricks are they using to assess the success of that agenda? What targets have they set, particularly for the education, skills and training that employers will require in the post-pandemic world?

**Baroness Penn (Con):** My Lords, it is our ambition to ensure that people of all ages and in every part of the country have the skills they need for a high-quality well-paid job in the post-pandemic world. I am sure noble Lords will hold the Government to account on delivering that.

**Lord Aberdare (CB):** My Lords, young people need impartial, independent careers education and guidance to learn what employers are looking for, what opportunities might suit their own interests and abilities, and what education and training they need to pursue them. Will the Government build on the progress made by the careers strategy that ended last year by introducing a follow-up strategy that includes extending the network of careers hubs to cover the entire country and providing extra funding to schools and colleges to employ the expert, highly qualified careers professionals they need?

**Baroness Penn (Con):** The noble Lord spoke passionately on this issue yesterday, as well. Both the skills White Paper and the accompanying Bill seek to build on the work of the careers strategy to deliver a high-functioning national careers system for all ages. During the pandemic the Government have provided additional funding of £32 million to support the delivery of individual careers advice for over 500,000 people. That has included funding to employ more careers advisers.

**Lord Stevenson of Balmacara (Lab) [V]:** My Lords, the ONS report confirms that most of the young people made redundant were in gig-economy jobs. We know that those most in need of new skills and retraining often fail to take up these opportunities if the appropriate financial support is not available. Loans do not take that trick and the current schemes are simply not working. What plans do the Government have to ensure these young people get the financial support they need to level up as the economy recovers?

**Baroness Penn (Con):** My Lords, we have a wide range of support schemes in place to focus on young people, particularly those at risk of long-term unemployment. I mentioned a few of them and one of the largest is the Kickstart scheme, which will continue even as we lift the restrictions of the pandemic and support young people into high-quality supported workplaces.

**Baroness Janke (LD) [V]:** My Lords, the Kickstart scheme that the Minister mentions excludes young people with disabilities who claim employment and support allowance, rather than universal credit. What action will the Government take to ensure that young people with disabilities are not excluded from the high-quality skills education and training that they need to get employment?

**Baroness Penn (Con):** My Lords, people on employment and support allowance should receive the personalised and tailored support back into the workplace that is appropriate for the needs associated with their disability. The Government's commitment to provide that support continues.

**Lord Forsyth of Drumlean (Con):** My Lords, has my noble friend read the report from the Economic Affairs Committee of this House on the employment consequences of Covid, in particular the recommendation that access to Kickstart should not be limited to people who have been on universal credit for six months? That effectively means that young people who have lost their jobs, who are suffering the worst effects of Covid, have to wait for as long as nine months before they have the chance of training. That cannot make sense and will be demoralising to young people. On apprenticeships, does my noble friend accept that the basic problem with providing apprenticeships is the cost? The apprenticeship levy is a complete disaster and needs reform.

**Baroness Penn (Con):** My Lords, I have read the work of the noble Lord's committee and reassure him that, before accessing the Kickstart scheme, young people get other support to help them back into the workplace—for example, through work coaches provided by the DWP, the number of which we have massively expanded during the pandemic. We have had significant success in improving and reforming apprenticeships, but I know that work is ongoing to ensure that the apprenticeship levy is flexible and meets employers' needs.

**Lord Watson of Invergowrie (Lab):** My Lords, the ONS figures also show that the unemployment rate for black, Asian and minority ethnic people is more than



[LORD WATSON OF INVERGOWRIE]

double that for white people. Sad to say, that also applies to the failing Kickstart scheme to which the Minister referred. According to her colleague, DWP Minister Mims Davies, in a Written Answer two weeks ago, the scheme has helped only 20,000 people into work since it was launched nine months ago. The Government like to talk levelling up, so what action will they take to overhaul the Kickstart scheme, not just by widening access—the point made by the noble Lord, Lord Forsyth—but by beginning the drive towards equalising its impact on black, Asian and minority ethnic people, and women?

**Baroness Penn (Con):** My Lords, the noble Lord made a number of points. The economic support provided by the Government to hard-hit sectors such as retail and hospitality has helped to protect jobs in those sectors, the workforces in which are disproportionately young, female and from ethnic minority backgrounds. The Kickstart scheme has been adapted and improved in a number of ways to improve take-up. For example, in February we removed the 30-vacancy threshold for a direct application to Kickstart. The figures I have show that there are more than 140,000 approved vacancies under the Kickstart scheme. We hope that take-up will improve as it goes on in delivery.

**Baroness Bull (CB):** My Lords, has the Minister had a chance to read Kingston University's recent *Future Skills* report, which surveyed 2,000 employers across all sectors? It found that the priority skills businesses will require to prosper beyond the pandemic are problem-solving skills: a mix of logical, social, creative, intuitive and analytical abilities. These are exactly the skills gained from arts and creative industries degrees, so can she explain why the Government seem so determined to drive students away from these courses, which were described by the Education Secretary himself as “dead-end”? Will the Government consider a creative and innovation skills strategy to promote creative subjects and deliver the skills that we know businesses want?

**Baroness Penn (Con):** My Lords, I am afraid that I have not read the report the noble Baroness referred to, but I absolutely agree on the value of the skills she mentioned. I reassure her that the Government support the development of skills in the arts, as well as in the sciences and technical skills, and will continue to do so.

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

## China: Muslims

### Question

12.42 pm

Asked by **Lord Alton of Liverpool**

To ask Her Majesty's Government what assessment they have made of the report by Amnesty International “*Like We Were Enemies in a War*”: *China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang*, published on 11 June.

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

**[V]:** My Lords, the Amnesty International report is a compelling addition to the already extensive and irrefutable body of evidence about systematic human rights violations taking place in Xinjiang. The Government have taken careful note of the report and FCDO officials have already discussed the findings with Amnesty International. We will continue to engage with a wide range of NGOs and other experts to inform our further understanding of the situation on the ground in Xinjiang.

**Lord Alton of Liverpool (CB):** My Lords, with Amnesty's report detailing arbitrary detention, forced indoctrination, torture, mass surveillance and crimes against humanity, along with newspaper reports from Xinjiang of the destruction of 16,000 mosques, harrowing evidence being given last week to the independent Uyghur Tribunal, whose brave witnesses and families now experience threats and intimidation, and further legislatures joining the House of Commons in declaring atrocities against the Uighurs to be a genocide, when will the United Kingdom raise this report from Amnesty at the UN Human Rights Council and seek judicial remedies? Will the Government commit to co-operating with, examining and acting on the findings of the Uyghur Tribunal, chaired by Sir Geoffrey Nice QC?

**Lord Ahmad of Wimbledon (Con) [V]:** My Lords, as the noble Lord is aware, I have met directly with Sir Geoffrey Nice on numerous occasions and we continue to monitor the tribunal as it takes place. My understanding is that the first session has now been completed. On the independent evidence, the noble Lord might be aware that I met with some of the people who gave evidence to the tribunal last week as part of our direct engagement with members of the Uighur community. With the session of the Human Rights Council coming up we will look at this report very carefully. As I said, we have met directly with Amnesty International on its recommendations and findings.

**Baroness Altmann (Con) [V]:** My Lords, I know that my noble friend is personally extremely concerned about and engaged with this issue, and I thank him for that. Can he tell the House when the Government plan to introduce export controls on goods associated with human rights abuses in Xinjiang, and whether they will accept recommendations made by the BEIS Select Committee to require companies operating there to convincingly evidence that supply chains do not involve forced labour?

**Lord Ahmad of Wimbledon (Con) [V]:** I thank my noble friend for her kind remarks. This is rightly an area of great concern across the House and many parts of society. As she is aware, on 12 January my right honourable friend the Foreign Secretary announced our commitment to review existing export controls as they apply to China. We are also conducting a review to see whether additional goods used for internal repression and human rights violations in Xinjiang can be brought into scope. We will report back to Parliament on the outcome of the review in due course.



**Lord Harries of Pentregarth (CB) [V]:** What the report confirms is utterly shocking in its scale and the systematic nature of the abuses perpetuated. Of course, the question is: what can we do about it and what are the Government doing about it? Will they at least contemplate economic sanctions against mid-ranking officials, such as the governors of the areas in which the internment camps are situated?

**Lord Ahmad of Wimbledon (Con) [V]:** My Lords, on sanctions specifically, we keep the whole situation under review. As the noble and right reverend Lord and your Lordships' House will be aware, on 22 March, under the global human rights sanctions regime, we introduced asset freezes and travel bans on four senior Chinese government officials, as well as an asset freeze against the public security bureau in Xinjiang. We will continue to see the impact of these sanctions and will review future sanctions as the need arises.

**Lord Campbell of Pittenweem (LD):** My Lords, in the integrated review and elsewhere, the Government have described their policy towards China as a balance between trading and supporting human rights. How can that balance be legitimately maintained in the light of the damning conclusions of the Amnesty report?

**Lord Ahmad of Wimbledon (Con) [V]:** My Lords, as I have said from the Dispatch Box before, we totally recognise the role China has to play. China remains a permanent member of the UN Security Council and its trade with the UK remains an important element. However, notwithstanding the fact that we recognise the importance of its trading relationship, we will not stand by. As we have already demonstrated, we will call out egregious abuse of human rights. We will continue to hold China to account, raise issues directly and bilaterally with China, and raise issues directly through multilateral forums such as the Human Rights Council.

**Baroness Cox (CB) [V]:** My Lords, what is the Minister's response to the report of UN special rapporteurs and experts that the CCP is targeting minorities, including Falun Gong, Uighurs, Tibetans, Muslims and Christians, with forced organ harvesting? The judgment of the China tribunal, chaired by Sir Geoffrey Nice QC, to which my noble friend Lord Alton has already referred, reached the same conclusion. What steps are the Government taking to stop this horrendous practice of organ harvesting, to hold the Chinese authorities to account and to ensure that no UK entities are complicit, knowingly or unwittingly, in these crimes?

**Lord Ahmad of Wimbledon (Con) [V]:** As the noble Baroness will be aware, I am fully cognisant of the suppression of freedom of religion or belief in Xinjiang and more widely in China, particularly as regards specific minorities, as the noble Baroness articulated. On organ harvesting, I have engaged directly with Sir Geoffrey Nice and, as noble Lords will be aware, have taken up the issue with the World Health Organization. We continue to monitor the situation. It remains the Government's position that, if true, the

practice of systematic state-sponsored organ harvesting would constitute a serious violation and an egregious abuse of human rights.

**Lord Robathan (Con):** My Lords, the West has, sadly, very little influence over the policies of China, but we should recall the propaganda triumph that the Berlin Olympics of 1936 gave the Hitler regime, whereas the boycott of the Moscow Olympics in 1980 made them a somewhat damp squib. Could my noble friend encourage other ministries and, indeed, other countries, to look at boycotting the Winter Olympics in China next February?

**Lord Ahmad of Wimbledon (Con) [V]:** My Lords, as my noble friend is aware from his own insights and experience, I cannot comment specifically on any boycott of the Olympic Games; that is very much a matter for the independent Olympic committee. But I am sure everyone will consider the situation on the ground in any decisions that they make.

**Lord Loomba (CB) [V]:** My Lords, Prime Minister Boris Johnson has recently said that he does not want to start a new cold war with China. I fully agree with him on that point. However, there are many challenges that the world is currently facing with China, such as the lack of human rights for Uighurs and Hong Kongers as well as the instability in the South China Sea. How would the United Kingdom like to resolve these issues—or will they be ignored for the sake of trade with China?

**Lord Ahmad of Wimbledon (Con) [V]:** My Lords, as I have already indicated in my previous answers, while we recognise China's important role, including on issues such as our challenges around climate change, we will call out egregious abuse of human rights. We have done so. We have led a coalition of like-minded partners at the UN Human Rights Council and Third Committee, and we take up these abuses directly and bilaterally with China as well.

**Lord Collins of Highbury (Lab):** My Lords, perhaps I might return to the point made by the noble Baroness, Lady Altmann, and the noble and right reverend Lord, Lord Harries, about specific actions. Since the genocide amendment to the Trade Bill was blocked, we have not seen extensive sanctions against officials responsible for these terrible crimes, and we have not seen action on forced labour—so I once again ask the Minister the question I have repeatedly asked: when will we see the promised changes to the Modern Slavery Act introduced, including Section 54?

**Lord Ahmad of Wimbledon (Con) [V]:** My Lords, I am fully aware of the noble Lord's interest in this. At the moment, I cannot give him a definitive answer, but this remains a live issue on the Government's agenda.

**Baroness Bennett of Manor Castle (GP) [V]:** My Lords, Amnesty's report on the treatment of the Uighurs is subtitled *China's mass internment, torture and persecution of Muslims in Xinjiang*. Would the Minister categorise the reaction of the UK, the G7 and the world as adequate, given those words?

**Lord Ahmad of Wimbledon (Con) [V]:** I am sure the noble Baroness recognises the role the United Kingdom has played. We were the first country to lead and call out the situation in Xinjiang and we have been directly engaged on the continuing suppression of democratic freedom in Hong Kong. The Government have repeatedly led international efforts to hold China to account. The first two statements at the UN were led by the UK. I am sure that recently the noble Baroness noted, as did other noble Lords, that the G7 leaders' communiqué on 13 June specifically called for China to respect human rights and fundamental freedoms, especially in relation to Xinjiang. We will continue to work with key partners and to use all instruments at our disposal to ensure that the issue remains to the fore of people's minds and that the human rights violations come to an end for the people of Xinjiang.

**The Lord Speaker (Lord McFall of Alcluith):** My Lords, all supplementary questions have been asked, so we now come to two First Readings.

### **Digital Economy Act 2017 (Amendment) Bill [HL]** *First Reading*

12.53 pm

*A Bill to amend the Digital Economy Act 2017 in respect of TV licence fee concessions by reference to age.*

*The Bill was introduced by Lord Foulkes of Cumnock, read a first time and ordered to be printed.*

**Lord Foulkes of Cumnock (Lab Co-op):** My Lords, I declare my interests as a former chair of Age Scotland and current co-chair of the All-Party Parliamentary Group on Ageing and Older People.

### **Front-loaded Child Benefit Bill [HL]** *First Reading*

12.54 pm

*A Bill to amend the Child Benefit (Rates) Regulations 2006 to make provision to vary the rate of child benefit over the course of childhood to enable eligible parents to receive a higher rate during a child's early years and a correspondingly reduced rate when that child is older.*

*The Bill was introduced by Baroness Eaton (on behalf of Lord Farmer), read a first time and ordered to be printed.*

12.55 pm

*Sitting suspended.*

### **Business of the House** *Motion on Standing Orders*

1.01 pm

*Tabled by Baroness Evans of Bowes Park*

That Standing Order 73 (*Affirmative Instruments*) be dispensed with to allow motions to approve affirmative instruments laid before the House under the Public Health (Control of Disease) Act 1984 to

be moved today, notwithstanding that no report from the Joint Committee on Statutory Instruments on the instruments will have been laid before the House.

**Lord Ashton of Hyde (Con):** My Lords, on behalf of my noble friend the Leader of the House, I beg to move the Motion standing in her name on the Order Paper.

**Lord Foulkes of Cumnock (Lab Co-op):** My Lords, I do not know whether this is the appropriate time to ask, but I will do so nevertheless. I know that the Government Chief Whip, with his usual courtesy, will be able to answer.

We all recognise the importance of getting these measures through as quickly as possible. We realise that this will have an effect on the way this House operates; no doubt the noble Lord will speak to us about that at some point. He will be aware that there is some concern about the way in which the House is dealing with the Committee and Report stages of Bills and the inability of Members who are present to intervene and to participate fully.

The Procedure Committee should look at this. It would be possible for a change in the rules of procedure to give the people present the right to intervene, whereas those not present would have to accept that it would be impossible, technically, for them to intervene. This would make Committee and Report stages much more useful and meaningful for all sides of the House.

This could be done without any difficulties as far as public health is concerned. It would not affect public health measures in any way, but it would greatly improve the way in which this House carries out its functions to scrutinise legislation—which, as the Chief Whip knows, is one of the most important matters this House deals with.

When I have sat in on Committees, I have heard a number of Members on all sides of the House ask about this. I wonder whether the Chief Whip, the usual channels and the Procedure Committee could have a look at this and see whether something could be done about it.

**Lord Ashton of Hyde (Con):** My Lords, obviously I am aware of the point the noble Lord has raised; it is something the Procedure Committee has looked at before. Although there are technical difficulties, I am sure it is not beyond the wit of man to come up with some kind of solution.

The regulations we are debating today, although they do not directly affect this, do affect the arrangements of this House going forward. It is unlikely that we will change the procedures. Obviously, it is not my decision—ultimately it is a decision of the House—but this will be discussed at the Procedure Committee. We are going to look at when we might be able to return to a more normal, physical House—subject to social distancing and health advice, of course. Obviously, all of that has to be taken into consideration. The current likelihood is that we will continue with our current arrangements, or thereabouts, until the Summer Recess—but that is not a guaranteed position. It has to be decided, but in my opinion that is likely.

It is acknowledged that most Members on all sides of the House take seriously the intervention stages—the amending stages—of legislation. I will report to the Senior Deputy Speaker what the noble Lord has said. When we have a meeting, we may be able to discuss that, but it is unlikely to change before we come back in September.

*Motion agreed.*

## Payment and Electronic Money Institution Insolvency Regulations 2021

### Financial Markets and Insolvency (Transitional Provision) (EU Exit) (Amendment) Regulations 2021

*Motions to Approve*

1.05 pm

*Moved by Baroness Penn*

That the draft Regulations laid before the House on 26 April and 13 May be approved.

*Relevant documents: 1st and 3rd Reports from the Secondary Legislation Scrutiny Committee. Considered in Grand Committee on 10 June.*

*Motions agreed.*

## Animal Welfare (Sentience) Bill [HL] Second Reading

1.06 pm

*Moved by Lord Benyon*

That the Bill be now read a second time.

**The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Benyon) (Con):** My Lords, it is a privilege to open this debate. Today, in this House, we are opening a new chapter in this country's proud story of protecting and promoting animal welfare. I am proud, as I hope your Lordships are, of the UK's reputation as a nation of animal lovers. The UK introduced the world's first animal protection law: the Cruel Treatment of Cattle Act 1822.

We have made a lot of progress in the two centuries that have followed. We improved conditions in slaughterhouses in 1875, and passed the Protection of Animals Act in 1911. We established a world-leading system for regulating scientific experiments on animals in 1986, and in 2006 the Animal Welfare Act introduced powers to protect all kept animals in England and Wales.

There has never been any question that this Government believe animals are sentient beings. We are now recognising this formally in domestic law and introducing a proportionate accountability mechanism to help reassure people that central government policy decisions take this into account. The Government's manifesto promised that we would bring in new laws

on animal sentience. Parties represented on the Benches opposite made similar pledges. This Bill is our opportunity to honour that commitment.

The Bill proposes three things. First, it provides a recognition in law that any animal with a spine—any vertebrate—is sentient. Sentience is about animals having feelings, both positive and negative, such as pain or joy. The scientific community is continually improving our knowledge of the sentience of different species. There is clear evidence that animals with a backbone—vertebrates—are sentient. The Bill gives the Secretary of State a power to extend this recognition to any invertebrate species in future; for example, if evidence of their sentience becomes clear.

Secondly, the Bill establishes a committee—the animal sentience committee—tasked with reporting on whether individual central government policy decisions have paid all due regard to their effect on the welfare of animals as sentient beings. The animal sentience committee will have the right to roam across all central government departmental policy decisions. This includes decisions relating to policy formulation and policy implementation. The committee's findings will be made public and its reports will make recommendations.

Thirdly and finally, the Bill obliges the relevant Minister to respond to each report from the committee through a Written Statement to Parliament. That Statement should set out the Minister's response to the committee's recommendations.

Taken together, the Bill's provisions create a targeted and proportionate mechanism for holding the Government to account on animal welfare. The animal sentience committee's reports and the ministerial responses to them will support Parliament's scrutiny of how central government policy decisions pay all due regard to the welfare of animals as sentient beings.

The introduction of the Bill fulfils a key manifesto commitment, as I have said, and it will further the UK's position as a global leader on animal welfare. Now that we have left the EU, we have the opportunity to remake laws and go further to promote animal welfare. Importantly, there are no policy exemptions in this Bill. It covers vertebrate animals in all settings and in all central government policy areas. If you accept, as this Government do, that animal sentience is a matter of fact, then you must properly consider animal welfare in relevant decisions that you make. By enshrining sentience in domestic law in this way, there will be further reassurance that government policy decisions have been made, taking into account the fact that animals have feelings.

It is important to understand what the Bill is and what it is not. It is intended to embed consideration of animal welfare into the policy decision-making process. It does not change existing laws, nor does it dictate to Ministers which decisions they should ultimately make. It is for Ministers to make those calls, taking all relevant considerations into account, and for Parliament to hold them to account. The Bill is designed to support Parliament in doing so.

The committee will have the freedom to choose which policies it wants to explore and how it wishes to engage with the Government. The committee will be able to engage with government departments during the formulation of new policies. In doing so, it will be



[LORD BENYON]

able to share its views on the ways in which animal welfare is relevant to a particular policy. This will help departments ensure that they have duly considered the relevance of animal welfare before key policy decisions are made, and avoid a formal report from the committee in which the committee comes to the view that the Government have given due regard to the welfare of animals as sentient beings. The committee can also consider how well policy decisions have considered positive improvements that could be made to animal welfare, rather than just considering whether adverse effects have been minimised.

We hope and expect that Ministers and their departments will engage constructively with the committee. My department will be able to support the committee in building productive relationships across government, helping Ministers to take welfare issues into account alongside other considerations. None the less, the committee will retain the ability, when needed, to express its opinion on the ways in which the policy might have an adverse effect on the welfare of animals as sentient beings and the extent to which this has been taken into account. Ministers will be under an obligation in all circumstances to respond to Parliament within three months on any report of the animal welfare committee.

If there is one message that I hope the Bill gets across, it is that we have listened. We have heard the calls from this House, from the other place and from across the country, pushing for animal sentience to be enshrined in UK law. We have reflected carefully and brought to this House a robust Bill which aims to deliver clear and proportionate outcomes. The Bill provides recognition in law that animals are sentient and provides a targeted and proportionate accountability mechanism to ensure that this is taken into account in decision-making, alongside other considerations. I commend the Bill to the House.

1.13 pm

**Baroness Young of Old Scone (Lab) [V]:** My Lords, I declare my interest as a chair of the Royal Veterinary College and as a person owned by two sentient horses. I know that they have feelings; I would define them in the following way. They experience comfort and joy when I wait on them hand and foot and bring them haylage, and frustration when I get things wrong in a dressage competition. I welcome the legislation that has now arrived, and there is much to welcome in it. It covers all government policy areas, as the Minister said, and means that all government departments will have to consider animal welfare and sentience issues when forming policy. The Bill also applies to wildlife. The animal sentience committee created by the Bill has potential but needs to be toughened if it is to fulfil the potential for increased recognition and application of animal sentience principles across government as a whole.

What strengthening should we be looking for? Strangely, the Bill does not lay a direct duty on Ministers but on the committee, so the committee needs not a discretionary power to review government policy but a mandated duty to review all policies that fall within defined criteria of having the potential for a significant

adverse effect on the welfare of animals. The Bill should also require all government departments to inform the committee when such policies are being drawn up, and positively and proactively to seek the views of the committee. What guidance will be given to other government departments to encourage them to take this responsibility seriously? Will all the guidance associated with the Bill be published during its passage in your Lordships' House?

The committee also needs more clarity about its powers. It needs independent powers and adequate resources to fund a secretariat and to have the ability to call witnesses, commission research and have access to documents. Can the Minister tell us his plan for resources, both funding and staff? Can I also ask the Minister for clarity on the rumours that the committee might be tucked in as a sub-committee of the Animal Welfare Committee? The ASC needs a separate status. The AWC provides reactive scientific advice to Defra alone, and the new committee will proactively review government policy decisions across all departments—a very different role. The ASC must work transparently, publishing all its advice to government and having a direct role with the strong public interest in this issue. It should also demonstrate accountability by having a statutory duty to report direct to Parliament annually and the right to a formal response from the Government in Parliament. On the overall working of the committee, such strengthening would mean that the arrangements could be seen as being in the first division globally, but it would be useful to know what ideas the Minister has drawn from the best global examples of such mechanisms. I include in the best global examples the Scottish Animal Welfare Commission and the arrangements in the Netherlands and those in New Zealand.

Importantly, the Bill must include a duty on government to create and maintain an animal sentience strategy. If it does not, all the responsibility is offshored to the ASC and guidance needs to be given, by means of that strategy, on the policy issues that the ASC would primarily concentrate on, though not to the exclusion of others at the ASC's discretion.

Lastly, the definition of "animal" should be expanded in the Bill. It currently applies to all vertebrates other than man. Ministers have indicated that the definition could be widened to include invertebrates if new evidence of sentience came forward. It appears that there is already sufficient evidence of sentience among cephalopods and decapod crustaceans, as is the case in the Scottish arrangements. When will the independent review of the subject be published, and can it be expedited so that we can include these animal groups in the Bill as it goes through both Houses? If the Minister is in any doubt about this latter point of inclusion of wider groups, I urge him to view the award-winning documentary "My Octopus Teacher", which explores the rather bizarre and strange but nevertheless emotional relationship between a man and an octopus. I hope that he enjoys it but has a box of tissues to hand.

1.18 pm

**Baroness Fookes (Con):** My Lords, I declare my interests with the RSPCA as set out in the register. Given that, naturally, I warmly welcome the Bill,



which is in the vanguard of a whole suite of animal welfare measures to come. Many of us have sought in vain to expedite them over many years, so I am delighted by this first taster.

That said, I have some reservation about the Bill and agree with many of the points made by the noble Baroness, Lady Young. Why is animal sentience not defined in the Bill? Maybe there is a good reason for this, but it is not clear to me, and if you are going to have something that is legal, it must be clearly defined. May I ask about that?

Secondly, I naturally welcome the setting up of the committee. But again, I think the terms of reference could usefully be widened. I note that it is there to look at “adverse” circumstances that might impact on animals. Why could it not be extended to beneficial ones, which would give it a more constructive remit?

I am also concerned that the Secretary of State has the power to appoint, and appoint the terms of reference for, the people on the committee. I am sure that the present Government are most anxious that these should be people of excellent experience and integrity. I remind my noble friend that not only do Ministers come and go, but so do Governments. I would like to know that this is more tightly constrained so that we still have a very effective committee in future. In the meantime, could the Government give us some indication of the kind of people they wish to see: their breadth of interests, and their ability to act independently without fear or favour and to tell the Government the truth they may not always want to hear? The capacity of that committee in terms of membership is absolutely vital, because if it does not exercise the powers it is given it is absolutely useless.

I come to the question also raised by the noble Baroness, Lady Young, of the definition of “animal”. I believe very strongly that there is already sufficient evidence to indicate that non-vertebrates should be included in the Bill. It is not good enough that it should be there in reserve, as it were, for a Minister to take up later. I am indebted to Crustacean Compassion for a great deal of detailed evidence on the research that has already been taken out. As the noble Baroness, Lady Young, noted, a report was commissioned by Defra and I wonder what has happened to it. I hope it will be published very soon and I will be extraordinarily surprised if it does not back up the research we already have. I hope then that the Bill could be amended during its passage through Parliament to allow this to happen.

I have been shocked by some of the treatment of animals such as lobsters, crabs, and squid, in the way they have been stored and very often killed. There was one horrible example of a supermarket tightly wrapping a live crab in single-use plastic—a double abomination so far as I am concerned—and lobsters are still plunged alive into boiling water. I understand that there are perfectly good stunning machines which could do this job humanely. Indeed, I want the committee to look at that to see what it could suggest for improved methods of storage of animals intended for slaughter and their actual killing.

I hope my noble friend will not tell me that we still need a lot more research. If he does, then I remind him that in the Environment Bill currently going through

this House there are several principles, including the precautionary principle—which suggests that you do not need absolute certainty before you act if there is a reasonable chance that something is wrong. This is one reason I call for the Bill to be amended to include invertebrates. Indeed, several European countries already care for invertebrates. This is also true in countries across the world—in New Zealand and some of the Australian states, for example. My noble friend made much of our proud history of animal welfare. That is fine, but we are behind these countries on this and I ask him: why?

*1.24 pm*

**Lord Randall of Uxbridge (Con) [V]:** My Lords, I declare my interests in conservation and wildlife organisations, as set out in the register.

It is a great privilege and pleasure to follow not only my noble friend Lady Fookes but the noble Baroness, Lady Young of Old Scone, two indomitable proponents of animal welfare. Let me also welcome my noble friend Lord Benyon to the Front Bench, leading his first Bill in this House. He is by no means a debutant, having been a very eminent Defra Minister in the other place. I feel very confident that the Bill is in safe hands and look forward to working with him constructively on it. His excellent opening remarks mean that I do not have to delay this Chamber for long and there is no need to repeat what he so eloquently outlined earlier.

The Bill has been a little delayed in appearing before Parliament, but it is here now, and I believe the Government have the balance about right. As we have just heard from my noble friend Lady Fookes, this is another welcome measure that Her Majesty’s Government are introducing to the animal welfare sphere. I understand from the action plan that there is a lot more to come, which is really great news.

The notion of animal sentience is not new, and the Bill is not a radical measure. However, the creation of a committee is a sensible option to ensure that the right balance can be achieved. Of course, as we have already heard and I have some sympathy with, there will be questions around the membership of the committee, its independence and the resources given, but I do not think that needs to be a major issue.

There is also a legitimate point about whether the definition of “animal” in the Bill is wide enough. I believe there is divided opinion on whether invertebrates can be classed as sentient. Most research has focused on mammals and birds. I was relieved to hear that *homo sapiens* is not included because it could have caused me problems retrospectively if, in my previous career as a Whip, I had caused pain in any way to people with or without backbones. But that is best left where it is.

I was initially rather sceptical about the position of decapod crustaceans, including lobsters, crabs and crayfish, and cephalopods, including octopus, squid and cuttlefish. However, more recently I have come to the opinion that these should be included. The Government have commissioned an independent review into their sentience and, as the two noble Baronesses preceding me asked, is my noble friend the Minister able to indicate where that review has got to, and when

[LORD RANDALL OF UXBRIDGE]

we are likely to hear from it and hear a government response? It is certainly worthy of consideration, especially as experiments, particularly with octopus species, have shown they feel pain. This has led to a situation where cephalopods are protected from use in science and experiments, but at the same time not recognised as sentient. These are all matters for consideration in Committee. In the meantime, I look forward to this Bill receiving a well-deserved Second Reading.

1.28 pm

**Lord Etherton (CB):** I am very grateful to the Minister for his introduction and description in broad terms of how the Bill is going to work. I would like to ask for confirmation, if the Minister can give that, on two aspects: one general in relation to the working of the Bill, and the second in relation to a specific practice.

These questions arise from the importance of policy issues which have to be considered in the round with welfare of animals, on which the Minister touched. The remit of the committee is fixed by statute. It is a clearly limited remit dealing with adverse effects on the welfare of animals and recommendations in particular circumstances. The committee therefore has no power to take into account wider policy considerations, such as would have complemented or do complement Article 13 of the Lisbon treaty, which the United Kingdom played a major role in. Those exceptions include, but are not limited to, religious rites, cultural traditions and regional heritage.

My question to the Minister on the wider operation of the Bill is: is it envisaged that, in the course of a report's preparation by the committee, the Government will take into account those matters in formulating their response and placing it with Parliament? That is the general issue: how, when and in what manner will the Government take into account what one might describe as the wider picture, in addition to animal welfare, in the operation of the Act?

My second point is very specific. Bearing in mind that, as has been pointed out, Ministers and Secretaries of State come and go and that the Secretary of State has sole control over the appointment of people on the committee—we do not yet know who they will be or what their views may be—I ask the Minister for a specific confirmation, in line with many assurances that have been given in recent years. Can he confirm—this will deflate a degree of anxiety—that it remains government policy, to which the Government foresee no change, that there will be no prohibition of or restriction on Jewish religious slaughter—shechita? I am not in any sense suggesting that there is anything contrary to the welfare of animals—there is a great deal of evidence about how humane that method of killing is, but that is not the point—I am simply asking for confirmation today that the present policy will continue and that the Government see no reason why it would change in the future.

1.32 pm

**Baroness Hodgson of Abinger (Con):** My Lords, I thank my noble friend the Minister for introducing this much-awaited Bill, the first in this Session in a

package around animal welfare—an important collection of legislation. There is much to welcome, and I am sure that your Lordships will agree that it is vital that we get it right. Mahatma Gandhi acutely observed:

“The greatness of a nation and its moral progress can be judged by the way its animals are treated.”

This is also a topic that the general public take much interest in.

I declare my interests: I am the director of a company that owns some farmland, and I served on the Rural Economy Committee recently and on the Farm Animal Welfare Council some time ago. On a personal level, I have and have had a number of family pets and would describe myself as a passionate animal lover.

Much has already been said about what sentience is or is not, both today and in past debates in this House. For me, the definition of animals' sentience should include both the emotional and physical and enable them to be treated humanely. This has long been encapsulated by the five freedoms originally developed by the Farm Animal Welfare Council: freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury or disease; freedom to express normal behaviour; and freedom from fear and distress.

In government and trade terms, the important thing is that the Bill separates sentient beings from inanimate objects and ensures that adequate provisions are made to respect and treat sentient beings appropriately. Our knowledge of the sentience of different animals, birds and living creatures continues to grow, so it is important that the Bill allows future extensions of the definition to be incorporated without having to pass more primary legislation. I await with interest the Government's review into the sentience of decapod crustaceans and cephalopods, and I welcome the ability of the secondary legislation powers in the Bill to look at this in detail.

The noble Baroness, Lady Young, has already mentioned the spellbinding and very moving documentary “My Octopus Teacher”—I also thoroughly recommend it if noble Lords have not seen it—where the scientist Craig Foster forms a bond with a young octopus in a South Africa kelp forest. It describes how the octopus provided a lesson on the fragility of life and humanity's connection with nature. It shows without doubt that an octopus can form a relationship—and I too recommend a box of tissues for the end.

I am pleased that the Bill covers all animals, including wildlife, but, clearly, consideration has to be proportionate. Balancing welfare and health issues, such as in the case of infestations of rats or mice in one's home, can be a difficult dilemma; similarly where rabbits or other animals are stealing food crops or vegetables or where deer need to be culled for their own benefit. However, I would always argue that every being should be treated as compassionately as possible, whatever the circumstances.

As I mentioned, I did several terms of office on the Farm Animal Welfare Council, which was rolled into what is now the Animal Welfare Committee, with an expanded role to advise the Government on not only farmed animals but companion animals and kept wild animals. I wonder how the setting up of the animal sentience committee will affect the work of the AWC: will it not sometimes replicate its work, and what happens if they do not agree?

Perhaps my noble friend the Minister can explain the thinking behind this newly formed animal sentience committee and how it will work in a complementary manner with the AWC and co-ordinate with other such committees, such as the Animal Wellness and Welfare Committee, which cover similar remits. Of course, the effectiveness of the ASC will largely be dependent on its make-up and how it works in practice. I agree that it should comprise independent members, with an appropriate range of expertise, experience and perspectives. It also important that it includes someone not professionally involved, and lays a report before Parliament each year.

The Government have promised us more detail in guidance; will my noble friend the Minister undertake to have a draft of that guidance published so that we can consider it alongside the Committee stage of the Bill? I am sure that this guidance will clarify many issues, including the following ones. How will the committee cope with monitoring existing policies in addition to the new ones? What resources will it be given? How will it be ensured that the committee looks across all departments? Will Ministers have a duty to notify the ASC of areas of policy formation? Will its remit extend to advising the trade and agriculture commission? Does the Minister expect the ASC to comment on the merits of a decision being made or to make recommendations for improvements during the policy formation process?

Charles Darwin once said:

“The love for all living creatures is the most noble attribute of man.”

I welcome the Bill and the opportunities that it affords.

1.37 pm

**Baroness Jones of Moulsecoomb (GP) [V]:** My Lords, we have waited some time for this Bill. I have here my speech on the EU withdrawal Bill, in which the Government tried to dump animal sentience. Many of us tried to bring it back into the Bill. I suggested then that the reason that they were dumping this and other aspects of EU law, which they had promised to bring over in its entirety, was that they wanted to use Brexit as an excuse to dump a whole set of existing EU rules that promoted social justice and environmental protections—how prescient of me.

We all know that the EU’s animal sentience protocol changed the way that animals were treated across the continent. Some 20 years ago, Britain used its presidency of the EU to ensure that animals were treated as sentient beings and not just as agricultural goods. Future legislation had to take account of animal well-being: Ministers had to pay full regard. The Government scraped a 13-vote majority on the amendment tabled in the other place by Caroline Lucas MP because the Minister at the time, Michael Gove, told the House that the animal sentience protocol was already UK law. There was a huge backlash on social media from people correcting that statement. Of course, the Government then promised to put something in another Bill—they have tried various times and it has always been totally inadequate.

The Minister said that this was a robust Bill. It is not. He also said things like, “it is targeted and proportionate”. It is not proportionate. He also said

that the Bill honours the Government’s commitments. No, it absolutely does not. It worries me that the Government make so many promises and then fail to deliver. That is very poor government.

This Bill is the Government pretending to do something about animal sentience, because they know that the general public really care. It is a PR exercise, and it will not prove adequate for the situation we face. Essentially, the Government are hiving off their responsibility on animals to a committee. Sometimes, having a committee of experts is not a bad thing, because, of course, Ministers cannot be up on every single issue, but that committee has to be listened to. On the climate change statutory instrument that some of us debated yesterday, a Minister explained all the reasons why the Government were simply ignoring the Committee on Climate Change. It had made a recommendation and the Government went against it, because they said they had their own judgment. Instead of stopping using carbon credits to make up for domestic failures to reduce CO<sub>2</sub>, which the Committee on Climate Change had suggested was the only way forward, the Government wimped out of serious action on the climate emergency and signed up to spew an extra 500 million tonnes of carbon into our damaged and delicate atmosphere. In a way, this Bill is doing the same thing. That incident proves the inherent, intentional weakness of such advisory committees. No matter how well-meaning, how well resourced or how hard-working the committee is, the Government can simply ignore it and do their own thing. Just as they did with climate change and carbon credits, they can do with animal welfare and animal sentience.

There is a lot that needs to be improved in this Bill, but it almost feels like wasted effort, because I know that the whole premise of the Bill is designed to make it completely ineffective. This is reflected in the Long Title, which seems designed to frame the scope of the Bill so tightly around the animal sentience committee that it would not be possible to table amendments that were not focused on the committee. This will make it very difficult, if not impossible, to place any serious duties on the Government beyond those in the Bill, which in practice will be little more than listing the reasons why they are ignoring the committee.

Of course, cephalopods and decapod crustaceans should be included in the definition of sentient animals. After four years of waiting, and many Members of your Lordships’ House urging that there should not be a gap—but there has been—the Government have finally published a Bill that, if one graded it, would get an F for fail. It is a disaster waiting to happen.

1.43 pm

**Lord Herbert of South Downs (Con):** My Lords, I declare my interest as set out in the register and my position in the Countryside Alliance.

In 1789, the great philosopher, Jeremy Bentham, said of animals that

“the question is not, Can they reason? nor, Can they talk? but, Can they suffer? Why should the law refuse its protection to any sensitive being?”

In truth, Parliament has answered that question for two centuries by passing a canon of animal welfare laws. We have always accepted that animals can suffer,



[LORD HERBERT OF SOUTH DOWNS]

that they are sentient—indeed, I would argue that the question of sentience is a simple matter of fact: vertebrates clearly are sentient, and that is recognised in the body of laws we have already passed.

However, there is a question about whether simply adding “sentience” to the law as an expression, as this Bill does, will advance animal welfare legislation or treating animals in the way that is intended. We need to consider a number of questions as we examine the Bill.

The first is to distinguish clearly between animal rights and animal welfare. I submit that every one of us is subscribed to the principles of animal welfare: that we should treat animals humanely, compassionately and properly. The idea that animals have rights which are in some way akin to human rights is much more problematic, and obviously so. Most of us—not all—who agree and feel strongly that animals must be treated properly and humanely, also eat animals and probably support their use in scientific research. The distinction between animal rights and animal welfare is important when it comes to considering the difference between wild and domestic animals. It is obvious, for instance, that a domestic animal under our control deserves to be watered and fed properly, and if we do not do that we break the law and rightly can be held responsible for such cruel treatment, but with a wild animal, even if it is on land that a farmer owns, that farmer can have no responsibility for feeding and watering it—it is not under his control. It is only when wild animals are brought under domestic control or the control of individuals that they deserve the protection of the law. Instantly, we see that the doctrine of animal rights is unhelpful in guiding us as to how we should treat animals.

Secondly, we need to advance the protection of animals on the basis of principle and evidence and ensure that we can as far as possible detach what is often powerful emotion from the debate. The exercise of emotion in any aspect of lawmaking can lead to bad law—parliamentarians doing things because, in the worst case, they think it is popular or they are driven by their own sentiment. We have to be more careful and forensic than that because there are competing interests to be balanced. This Chamber above all chambers needs to exercise the cool reason that is sometimes absent from the consideration of the elected Chamber, driven as it is by more populist urges—I say that having been a Member of the other place for 15 years.

Thirdly, the principle must be right that Ministers make decisions and do not subcontract them to unelected bodies, even where they are appointed by those Ministers. It is one thing for Ministers to be guided; it is another to passport decisions to bodies that cannot properly be held to account for them. It is an irony that the Bill introducing this principle—albeit constrained by a committee—is being brought forward just as the Government are seeking to constrain judicial review precisely because of their concern that it is interfering with ministerial responsibility. Ministerial responsibility for decisions matters because Ministers are accountable to Parliament and Parliament is in turn accountable to the people, while unelected committees are not. We

have surely just understood the importance of that. The dangers were perfectly illustrated by the misleading campaign against the decision initially not to import the decision on sentience from the EU.

We have had animal welfare laws in our country for 200 years, since the Cruel Treatment of Cattle Act was introduced. Our animal welfare standards go far beyond the minimums set by the EU. I respectfully disagree entirely with the proposition of the noble Baroness, Lady Jones, that, somehow, animal welfare in this country was advanced by our subscription to the EU and the principle of sentience that it introduced. That is simply not the case. We need to remember that the principles of sentience are not in dispute. That we should treat animals properly is not in dispute. But what matters is that Ministers and Parliament should ultimately decide, and that we should not find ourselves subcontracting decisions to bodies that are accountable neither to us nor to the public but can be pressured by outside interests.

1.49 pm

**Baroness Mallalieu (Lab) [V]:** My Lords, I declare my interests as president of the Horse Trust, president of the Countryside Alliance, a member of the RSPCA and a farmer. I admit that I probably spend more time in the company of animals than I do with your Lordships.

If this Bill proceeds in its present form, I have a strong premonition that future Governments will look back on it and ask, “Why on earth did we do this?” As the noble Lord, Lord Herbert, has just indicated, for 200 years animal sentience has been accepted by all—or all other than complete nutters—and the result has been animal welfare legislation enacted on that basis. I have no objection at all to it being explicitly stated in legislation or to future legislation being animal-proofed, although I hope that it would work better than rural-proofing—but it is strictly unnecessary. What I am not clear about is why it is being done in the way in which it has.

Like the first Bill, which Michael Gove, the then Environment Minister, wisely withdrew, it is likely to benefit lawyers, at the taxpayers’ expense, and to be a bureaucratic nightmare with no limit to its remit, unlike the EU animal sentience provision, no provision for adequate funding for such wide scope, and a real danger of a committee composition dictated by animal rights pressure groups. Why do the Government not simply insert their animal sentience clause by a simple amendment of the Animal Welfare Act? If they want a committee to look at legislation, they already have one in the Animal Welfare Committee, whose remit could easily be expanded, as it has been in the past.

Gesture politics, which I fear is some little part of the motivation of this Bill, to enable the Government to say to the electorate, “This is what we did for animals”, is sadly not just a waste of parliamentary time when real animal welfare proposals just cannot get time but, as history has shown, often does little or nothing for the animals directly affected. I will give two short examples. The first is fairly recent: the Wild Animals in Circuses Act, which is proudly trumpeted by the present Secretary of State as being one of the party’s animal welfare achievements, actually worsened the position of the only animals involved. As I recall,



there were under 20 of them, and no new licences were going to be granted in any event; they were not lions or tigers, as you might imagine, but a few zebra, an African cow and several others that I think I remember were some kind of llama. All had been born in captivity, licensed and regularly inspected, and it was agreed that all were superbly looked after and much loved by their owners, with whom they travelled in state of the art horseboxes to prearranged extensive grazing at sites. They did not perform degrading tricks; they were, effectively, pets. That Act forced their owners to leave them behind when they travelled to perform. There was no animal welfare gain to them or any other animal, and a good routine of care and affection was destroyed.

My party spent more than 200 hours of parliamentary time on the Hunting Act, which brought no benefit at all to the fox population—quite the contrary. A method of control that was selective, with a closed breeding season, and left no wounded, was replaced with snaring and night shooting with none of those features, which killed and wounded far more. So was it good electorally for Labour? I suspect that that is part of the Government's motivation behind this Bill. If so, Labour should have won general election after general election after all that effort—and the result we know. Of 100 rural seats that Labour held under Tony Blair, only 17 remain now.

Yet under successive Governments, nothing has been done about the elephant in the room—and I am sorry to say to the noble and learned Lord, Lord Etherton, that I do not agree. In this country, every year, 40 million farm animals are slaughtered without pre-stunning. The expert view is that many of them suffer unnecessarily. We are not world leaders here: other countries in Europe and around the world have stopped this practice and more are doing so. I pay special tribute to the noble Lord, Lord Trees, who will speak later, and to those working with him, who are looking at ways of pre-stunning that are acceptable to the religious communities for whom it is important. I also pay tribute to the Muslim community, which is working with them, and I hope the Jewish community will follow. There are ways in which religious sensitivities and stopping unnecessary suffering at slaughter can be combined. So I ask the Minister for a commitment that there will be real and urgent progress on this, because that would be a real advance in animal welfare, and not just a gesture.

We rightly call ourselves a nation of animal lovers and we feel strongly about animal suffering, but the Government need to recognise that the majority of people own no animal, and those who do in the main have a cat or dog which they regard as a member of the family. For most, the experience of farm animals or wild animals is drawn largely from television, and it is too often sentimental, anthropomorphic and presented by animal rights activists. That is their template for expressing their views about what they feel is right or wrong in the treatment of animals. Yet too often, some who would say that they were the greatest of animal lovers do not recognise that, by keeping a lone rabbit in a small cage or a dog with deformed facial features because it looks more appealing, or leaving

one alone in a small flat with inadequate exercise, they are themselves denying a much-loved pet its natural needs.

The Government have to be alerted to the dangers of campaigns with apparent public support that is often uninformed or misinformed, and to distinguish real animal welfare measures from the priorities of some of the vocal and well-funded animal rights groups. If there is to be a committee, as others have said, it must be independent and also be composed of qualified experts from the field of animal welfare and animal behaviour—not pressure groups or popular TV presenters—and it must make its findings on the basis of evidence and science, not emotion.

The Minister has come to this Bill at a late stage. I ask him to look very carefully at what has been said today. It is not an uncontroversial Bill, and there must be better ways of putting animal sentience on the statute book without the dangers that are clear for all to see here.

*1.56 pm*

**Lord Forsyth of Drumlean (Con):** My Lords, I agree with almost everything that the noble Baroness has just said, and it is a pleasure to follow her. I have to say that, in more than 35 years in both Houses, I have never seen a more badly drafted Bill—which has left me wondering what on earth its purpose is. It is a most extraordinary Bill. It purports to set up a committee, but the Government do not need primary legislation to set up a committee—we already have the Animal Welfare Committee. It purports to enshrine the concept of sentience in law, but we already have the concept of sentience—although, as my noble friend Lady Fookes points out, it fails to define what it means by sentience. To me, sentience means ability to feel pain—but some of the advocates of the Bill are talking about emotions and discussing animals in anthropomorphic terms.

The Bill has six clauses—it looks simple—but listening to the speeches of noble Lords who are perhaps less sympathetic to the Bill, as well as those who are enthusiastic about it, we have already heard about how many holes there are in this legislation and how it fails to deal with a number of important points. The noble Baroness, Lady Jones, pointed to the EU legislation that governed us and was introduced in the Lisbon treaty. For the first time in my life, I am actually going to praise the EU. I spent my life arguing that we were unable to decide our own affairs and that the EU came along with legislation and we gold-plated it. Well, the EU legislation said:

“In formulating ... the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions ... of the EU countries relating in particular to religious rites, cultural traditions and regional heritage.”

There are no horrors there for the noble and learned Lord, Lord Etherton. The scope and nature of that legislation was clear, in a way that this Bill is not.

There is no threat here to religious rites, or to my fly-fishing either. This Bill goes much further. There is no definition of animal sentience and, in answer to the question from my noble friend Lady Fookes about

[LORD FORSYTH OF DRUMLEAN]

why there is no definition, it is because it is very difficult to define, so the Government have not done it. However, as so many people have pointed out, we all know what animal sentience means, and we have had it for more than 200 years. As my noble friend the Minister said, in this country we have a proud record; we had legislation concerned with animal welfare before we had legislation concerned with child welfare.

There are no terms of reference for the committee in this legislation. This very week, our Constitution Committee has complained about this Government's continuing use of Henry VIII clauses and secondary legislation, and about not providing guidance to that legislation. Yet this is another Bill which blithely says that, if there is a change in the view about animals which do not have spines, we can—by secondary legislation—extend the committee's work to include that. There is no reference to what kind of evidence would be required or scientific input made. Why is it necessary for this to be given as a secondary power? If there is an issue, and the evidence for it, the Government would presumably amend the welfare Act in the normal way.

The scope of the Bill is extraordinary. It says:

“When any government policy is being or has been formulated or implemented”.

The noble Baroness, Lady Young, said that there should be a duty on each department to tell this committee if there is a policy being formulated so that it can opine. How many people is the committee going to have working for it, if every single initiative going on in government which affects animals has got to be reported to it and it has to opine on it? What does it do? It produces a report, like this House does with its Select Committees, and the Government have to respond within three months. In this House, the rule is, I think, eight weeks, but some have been waiting more than a year for a response from the Government. Sometimes, the Government's responses indicate that the recommendations have not, perhaps, been considered as seriously as they might. I do not see what the purpose of the Bill is and how it will change anything, except to create a lot of division and anger where they are not necessary or required.

There is nothing in the Bill to say how the committee is going to be staffed and resourced; it is going to be hugely expensive. My own committee, the Economic Affairs Committee, was not very keen on HS2. I cannot imagine how considering animal welfare issues would have impacted on large projects such as that, given that, as my noble friend Lord Herbert pointed out, there is no distinction being made between wild animals and those which are subject to the care and responsibility of individuals. It seems to me that the nature of the committee and its recommendations are wide open to judicial review if Ministers do not take those recommendations on board. Nothing in the Bill gives me any comfort on that.

We have an Animal Welfare Committee. If we want to have a sub-committee to consider sentience, it should be a sub-committee of the Animal Welfare Committee. If it is to cover all government departments, whose department is responsible? In his opening remarks, my noble friend said that it would be his department, so

he is going to be operating across the whole of the Government. If I were him, I would hope for a change in the reshuffle, rather than deal with all that. For once I can agree, with enthusiasm, with the noble Baroness, Lady Jones, who said that the Bill feels like a piece of virtue signalling and PR which has got nothing whatever to do with ensuring that our animals are properly cared for.

2.03 pm

**Lord Howard of Rising (Con):** My Lords, it is a privilege to follow my noble friend Lord Forsyth, even if it is, I am afraid, going from the sublime to the ridiculous. As your Lordships know, the intention of the Bill is to form a committee to make Her Majesty's Government aware of the impact of their actions on the animal kingdom. I fear that the Bill, as drafted, is so broad—as my noble friend Lord Forsyth pointed out—that there is a danger that, with a little imagination, anyone wishing to act in a vexatious manner could use its good intentions to stray into unintended areas and clog up government business in ways that no one has yet thought of. As the Bill is presently drafted, the committee may be able to review matters retrospectively, which I would suggest is another recipe for disaster.

So far as I can see, there is no restriction on anyone initiating a request for a report by the committee. While it will be up to a Minister whether or not to accept a report, there is huge scope for deliberately trying to place Ministers in awkward or embarrassing situations. I suggest that the Minister looks at amending the Bill to give the committee a well-defined remit, so that it can focus on the laudable aims for which it was set up and not get distracted. I further suggest that the process for initiating an investigation is clearly set out. I am concerned that, if the Bill is not more precise, Her Majesty's Government might find that their ability to carry out their business was severely hampered. It would be interesting to hear the Government's view on whether a decision by a Minister, or government department, not to accept a report from the committee could be subject to a judicial review.

2.06 pm

**Baroness Deech (CB) [V]:** My Lords, this Bill is unsatisfactory on at least four grounds: it is unnecessary; it duplicates existing protections; it is retrospective; and it is filled with uncertainty.

There is already in existence the Animal Welfare Committee, which is an expert committee of Defra. Its job is:

“To provide independent, authoritative, impartial and timely advice, to Defra ... on the welfare of farmed animals, including farmed animals on agricultural land, at market, in transit and at the place of killing ... on any other matters that might be considered necessary to improve standards of animal welfare”.

It also gives advice to Defra

“on the welfare of companion animals and wild animals kept by people”,

and

“independent scientific support and advice ... on the protection of animals at the time of killing”.

The Animal Welfare Committee had its remit extended to the welfare of all animals in 2019, without the need for a statute. Quite how this committee and the one

proposed in the Bill will work together is unclear. We do not know what the composition of the committee will be, or whether it will be independent as well as containing sufficient expertise. It needs to be free of lobbyists. How will it or the Government consult or interact with the public?

It is not proven that a new law would improve animal welfare, but the risks in it are considerable. It was suggested that withdrawal from Europe necessitated new legislation, but let it not be argued that this country will somehow be lagging behind. Farm animal abuses are widespread in the European Union, with pigtail docking, long-distance transport and slaughterhouse practices all areas of immediate concern. Intensive farms in Europe are particularly problematic, as revealed by the European Court of Auditors, with economic interests often trumping welfare rules. The European animal welfare law in the Lisbon treaty, although it now seems pretty ineffective in protecting animals in Europe, was on paper more balanced than the remit of the committee in the Bill. Article 13 of the treaty says that animal welfare should be balanced against customs relating to

“religious rites, cultural traditions and regional heritage.”

whereas there is no such balance in the Bill.

The public interest in the use of animals is also absent. We need to use animals in medical research. Animal testing was vital in our successful development of vaccines against Covid-19. Studies in mice, ferrets and primates showed that the vaccines were likely to work, and other animal tests showed that the finished products were safe. Animals were also used in the basic biological research that allowed this approach in the first place. It would be tragic if the animal rights lobby got in the way of this vital progress in research, by putting animal welfare ahead of human life. Yet the committee proposed by the Bill might be so hijacked, or there might be an unwarranted attack on country sports. This is because the committee might choose to report on a policy which, in its view, has had an adverse effect on animal welfare in the past.

Despite the requirement in European law on balance, the European Court of Justice upheld last year a Belgian ban on Jewish and Muslim practices of slaughter without stunning. The argument that stunning is less injurious than non-stunning does not hold water. We should not apply double standards. The Food Standards Agency survey of 2017 estimated that hundreds of millions of animals were killed without effective stunning; gassing, in particular, causes great distress to animals killed that way. The European Food Safety Authority reported that 180 million chickens and other poultry were killed in the most recent count using insufficient electric charge. Time does not permit for the recounting of other horrors—the breaking of rabbits’ necks or the fish starved and suffocated. We even mistreat our pets, breeding them to a lifetime of ill health and depriving them of their natural habitats. If the committee were to do any good, it should concern itself with making sure that slaughter methods are carried out as they should be and that existing welfare standards are enforced.

Fish are not included in the Bill, but there is certainly a case for including crustaceans, which have been shown to react to pain and yet are killed by being

broken to pieces alive or boiled alive—a fate too horrific for me ever to want to touch one. My point is that we should not see ourselves as a nation uniquely kind to animals. Nor should we apply double standards—on which note I refer to the fact that kosher killing is carried out with the utmost attention to care and science. I follow my noble and learned friend Lord Etherton in noting that, in the past, the Government have committed not to ban traditional Jewish slaughter methods. Will the Minister now repeat that commitment?

2.12 pm

**Baroness Foster of Oxtou (Con):** My Lords, I welcome the debate on the Bill, which I hope will bring about further improvements in animal welfare standards that are much needed.

I spent 15 years on the animal welfare parliamentary intergroup in Brussels, for 10 of which I was vice-president. Over the years, we saw much greater awareness by the majority of countries that ill treatment of and cruelty towards both domestic pets and farm animals, for example, would no longer be tolerated by members of the public. It was clear that good animal husbandry produced the quality products that most people desired. I must say that, here in the UK, contrary to what has been said by some noble Lords, we do in fact set some of the highest standards throughout the world. I must also comment on what was said by some noble Lords about the EU that, while the EU has pretty strict laws in place, it certainly does not enforce them. So many countries across the European Union do not comply with even the minimum standards that have been laid down for many years.

In any event, this is not just about domestic animals; we must also look at the cruelty that takes place in zoos and circuses and at wildlife trafficking, because this has become far more prevalent. I was very pleased to host an exhibition in the European Parliament for Born Free a few years ago, where the phenomenal Virginia McKenna launched the agenda to raise the issue of endangered species. The fact that we now have so much support from great influential figures, such as Prince William, is starting to make a difference.

I, like other noble Lords, have seen probably some of the worst footage of animal cruelty, such as horses being transported across Europe and beaten with steel bars in the slaughterhouses in Italy—with those really great EU standards, of course—or, also in Europe, practices such as bullfighting, the Pamplona run and the Toro Jubilo, where fireworks are tied to the horns of bulls. They are set on fire and, basically, the bulls panic and run all over the place; it is absolutely appalling. There are also the hunting dogs hanged from trees and left to starve when they have finished with their hunting for the season. And these are all just on this sophisticated continent.

On the issue of slaughter, some European countries have insisted on stunning for both halal and kosher slaughter. If other European countries can do that, I see no reason at all why it should not take place in the United Kingdom. It is something to work towards. But if we look further afield and at what is happening in other countries, perhaps where we have influence when we are talking about trade deals, we can see bear



[BARONESS FOSTER OF OXTON]

bile, dogs being skinned and cooked alive, as well as tiger farms in China—purely for medicinal use—and bears kept in cages, dancing for tourists along with elephants across Asia. So it goes on.

However, if I am anything, I am an optimist. On a positive note, many young people are now campaigning on these issues, so there is hope. But it is no use bringing in new legislation unless we are prepared to enforce it. The terms of reference for the committee must allow it to make decisions that will be acted on and rules that can be enforced. As a new Member in this House, I take noble Lords' point that we need to make sure that there is clarity on how the committee is formulated and that the Government do not become bogged down in different departments where there is a contradiction over what should happen. That will not help anyone. If things can be put into the right context, they will improve with this Bill, which I fully support. I hope and believe that there will be then be progress for the future.

2.16 pm

**Lord Dodds of Duncairn (DUP):** My Lords, I welcome the Bill and hope that it gets its Second Reading this afternoon. I welcome, too, the Minister's clear outline of the purposes of the Bill; I have no doubt that the Bill is in safe hands in the Minister's custody, given his long and distinguished service as a Defra Minister in the other place. It is good to see him here in this House.

There is no doubt that the overwhelming majority of people in all four countries of the United Kingdom will welcome the Government bringing forward legislation to safeguard animal welfare by recognising animal sentience in law. A recent petition calling for an animal sentience law easily received over 100,000 signatures and was debated last year in the House of Commons.

Noble Lords will recall the debate on Article 13 of the European Union treaty and the fact that, following Brexit, these provisions no longer apply directly. I am pleased, like other noble Lords, that we are now taking steps to fill the gap and make legislative provision for animal sentience. However, it is important, in respecting the devolved settlements, of course, to have consistency across the United Kingdom and that the provisions we are looking at today are also looked at carefully by the devolved Administration in each of the countries that have devolved powers.

In Northern Ireland, the Welfare of Animals Act 2011 includes a number of provisions to prevent harm to, and promote the welfare of, animals, but legislation there does not include explicit reference to animal sentience. The Welsh Government have made it clear that they fully agree that animals are sentient beings with the capacity for positive and negative experiences, such as distress or pleasure. However, while recent legislation was introduced in Wales in relation to wild animals in circuses, there has been no overarching legislation in this area. In Scotland, the Scottish Animal Welfare Commission recently made a statement on animal sentience, which described how animal sentience and animal welfare are defined and interpreted in Scotland. So, while I welcome this legislation this afternoon, it is clear that the devolved Administrations have not yet moved in this area and explicitly referenced

animal sentience in their provisions. The Prime Minister's office stated, on 11 May, in background briefing notes on the Queen's Speech, that the Government would "work closely with the devolved administrations to discuss these policies."

I would be grateful if the Minister could provide an update on how those discussions are proceeding with each of the devolved Governments to ensure a consistent approach.

I want to touch briefly on a number of clauses in the Bill. I am pleased that the legislation will apply to wildlife and across all government policy areas and departments. But I share the concerns of a number of animal welfare charities that Clause 5 is too narrowly defined and that the current definition of an animal as "any vertebrate" needs to be expanded. That is unnecessarily narrow. I accept there is provision, as has been mentioned, for delegated legislation to expand the definition. But I am not sure, first, why there is any need to delay and, secondly, why it should be a matter for such legislation rather than being included in the primary legislation.

Central to this Bill is the creation of the animal sentience committee. It will be given much of the responsibility for ensuring that the duty to animals is effectively discharged, and it needs to be properly resourced and empowered to be able to help and, if necessary, effectively challenge Ministers on fulfilling their duties. There needs to be more detail about how the committee will work and its powers, and that will be examined in Committee. One area that has been highlighted already is that the Bill creates a discretionary duty for the committee to review whether a government policy has had appropriate regard for the welfare of animals. I agree that the committee should be given a clear, mandatory duty to review policies both prospectively and retrospectively. A number of groups have suggested that there needs to be a mechanism to require Ministers to inform the committee when a policy within its scope has been developed, to keep it advised. I know concerns have been raised about where this might lead and about the burden of work, but I think that is a wise and sensible move, with common sense and proportionality. Of course the committee needs to be transparent, open and fully accountable to Parliament, but its independence and autonomy are important if it is to do the work that needs to be done. Of course, people will support it in that function.

I warmly welcome the progress on this issue, and I look forward to further stages when the Bill can be examined in detail and, I hope, improved and strengthened.

2.22 pm

**Lord Hannan of Kingsclere (Con):** My Lords, I declare my interest as a neighbour and, I flatter myself, a friend of the Minister. I have observed him in his natural habitat, and I know him to be a countryman of deep passion and knowledge, whose excitement when he happens on a rare beetle or some such is utterly infectious. None the less, I listened in vain in his opening statement for any rationale.

The first question we should ask of any legislation is: to what problem is this Bill a solution? When I say "we", I particularly mean we in this House. I may be



misunderstanding this—I have only been here a short while—but anyone who has done A-level politics will tell you that this is a revising Chamber. It is precisely here to ensure that legislation is proportionate to an identified problem—not to tabloid headlines; to an off-the-cuff pledge made at the Dispatch Box in another place to get a Minister out of a temporary problem; or indeed to a social media campaign based on a misapprehension. To what problem is this Bill a solution?

The Minister, in his opening remarks, listed the extensive animal welfare legislation we have, going back to mid-Victorian times. My noble friend Lord Herbert of South Downs trumped him and pushed that back to the Cruel Treatment of Cattle Act from 200 years ago. That plethora of extensive and powerful animal welfare legislation has in common that it is sensitive: it distinguishes between different situations and categories; it distinguishes between wild fauna and pets; it distinguishes between livestock and vermin; it distinguishes between endangered species and pests.

I think all of us agree—if any noble Lords disagree, I have yet to hear from them—on sentience being a reality. We do not need a Bill to tell us something that is uncontentious. I was very struck by some experiments in 2019 on tiny, darting, blue fish called cleaner wrasse, which exist in reefs. They passed the most basic cognition test by recognising themselves in a mirror. You place a blob on the forehead of one of these fish—*Labroides dimidiatus* they are called—and they respond.

This is a level that human toddlers get to at around 18 months. I experimented on my own with this one day. They suddenly go from laughing at the baby with the dot in the glass to realising it is them. That moment, at least as far as I can tell, goes hand in hand with lots of other developmental movement. They suddenly become self-aware. And they become, by the way, able to make moral choices. For the first time, you are conscious that they sometimes know they are being naughty, which until that moment they have been unaware of. The Abrahamic religions make exactly that link: the moment of the fall in the Judaeo-Christian tradition comes from self-knowledge. It comes when Adam and Eve eat the fruit:

“And the eyes of them both were opened, and they knew that they were naked.”

That is the moment they become capable of making moral choices.

I do not think any of us is going to argue that animals make moral choices—sentient and conscious or not. When, to pluck a recent example, a good friend of mine in the other place had a dog that chased some deer, it was not the dog that was put on trial. I think we would all agree that it would be bizarre for the dog to be put on trial, because a dog is not a reasoning creature. When a dog is punished, it is not in the hope of contrition; it is not because we are hoping to persuade the dog that it has made wrong moral choices. What we mean by “training”, when we train an animal, is that we induce different desires, not that we inculcate an ethical sense. As the great philosopher and the first economist Adam Smith put it:

“Nobody ever saw a dog make a fair ... exchange of one bone for another with another dog.”

It is possible to acknowledge sentience and consciousness without making an animal a legal person with rights. That is precisely why I do not want sensitive moral issues of this kind contracted out to a committee. We may have all sorts of criteria in our animal protection. They may be to do with how we grade the animal; they may be to do with the purposes to which it is being put. Lord Macaulay observed:

“The Puritan hated bearbaiting, not because it gave pain to the bear, but because it gave pleasure to the spectators.”

Well, fair enough. But we have banned bear-baiting in this country on those grounds—I would be surprised if any of your Lordships wanted to bring it back—but we make a different argument about, say, horseracing. It may well be that horseracing causes distress to the horse. It is probably a fair bet that a foal’s idea of a good life, if it could express it, would not involve having a bit placed in its mouth and being ridden around by a whip-wielding ape. But we, none the less, are able to draw that distinction, and that is why we need to have these issues debated properly and sensitively, coming up from the people and not being handed down by organs of the administrative state.

I suspect that, as the father of animal rights, the Australian philosopher Peter Singer, puts it, our circles of morality will continue to expand. It may well be in our lifetime that all sorts of things we now regard as quite normal are looked back on very differently. It may be that in the future we will ban horseracing, zoos, the treatment of pets or the passion of my noble friend Lord Forsyth of Drumlean—fly-fishing. It may be that we will wonder why it was ever acceptable to drag a fish into a chamber of poisonous vapours with a hook lodged in its throat. I do not know, but I do know that those decisions should not be contracted out to a standing apparatus. If we are not prepared, here and in another place, to take responsibility for decisions of this kind, what the blithering flip are we here for?

2.29 pm

**Lord Sarfraz (Con):** My Lords, I declare an interest with several not-for-profit organisations working on animal welfare, as set out in the register. I welcome the Bill: it gives a voice to animals, which have no ability to speak. In 50 years’ time, historians will look back in shock that we have 70 billion animals in factory farms to feed 7.8 billion humans. Animals have no voice, but consumers are speaking loud and clear. Last year, consumers globally spent over \$20 billion on plant-based alternatives to meat and dairy. In the UK, demand for these products has more than doubled in the past five years. I wonder whether noble Lords have tasted an Impossible Burger or sausages by Beyond Meat. They are delicious plant-based alternatives to meat. The global meat-free sector alone will be in excess of \$85 billion by 2030, and grew 25% last year alone.

The food sector is a lifeline of our economy, providing jobs for one in seven people, but it is also causing damage. Even before the pandemic, poor diet was responsible for one in seven UK deaths. Transforming our food system is a once-in-a-lifetime health, environmental and economic opportunity. The food tech revolution is the next global agricultural revolution, with enormous benefits for biodiversity, land use and climate change. We can make our country the global

[LORD SARFRAZ]

hub for food tech. More than \$3 billion was invested last year in alternative protein companies, and about 17% of that was in the UK and Europe. We must, of course, support our livestock farmers in the UK, many of whom farm sustainably and treat their animals very well, but we also want our entrepreneurs to be at the forefront of this new and exciting market.

The Canadian Government have announced a plant protein supercluster. The Singapore Government have approved cell-cultured meat. The Israeli Government are providing non-dilutive funding to food tech start-ups. The US Senate just approved significant spending on food tech R&D.

This Bill is the moment for us to tell our entrepreneurs, loud and clear, that just as we are leading global R&D in clean technology and life sciences, we will support them in leading the world in food technology. I congratulate the Government on introducing the Bill.

2.32 pm

**Lord Moylan (Con):** My Lords, the noble Lord, Lord Hannan of Kingsclere, asks what the purpose of the Bill is. We all know what the purpose of the Bill is: it is to advance the agenda of people who believe in the existence of animal rights and to embed them at the heart of government, bossing everybody about. It is a bad Bill, not simply for that reason, but more importantly, as I will explore in a moment, because it changes the moral basis on which we have habitually treated animals well in this country. I will come back to that in a moment, because I am going to leave to others—some who have already spoken—comments on the practical difficulties of putting this Bill into effect and the problems it is likely to give rise to. I always thought that it was the responsibility of this Parliament to hold Ministers to account, but we are now to have a committee roaming around Whitehall doing the job for us, it seems.

The clause that strikes me as most extravagant, however, is the one that gives the Secretary of State the unfettered power to declare, should he wish, that an earthworm is a sentient being. This is a power greater than that given by God to Adam in the Garden of Eden, which, as I recall, was restricted to the power to naming animals. Here, we are giving the Secretary of State the power to reclassify them almost without check.

I come back to my point about the moral basis on which we treat animals well. I have always loved this quotation from Lord Keynes:

“Practical men, who believe themselves to be quite exempt from any intellectual influence, are usually the slaves of some defunct economist. Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back.”

Of course, I do not mean to refer in any sense to my noble friend on the Front Bench in that regard, but the noble Lord, Lord Hannan, put his finger on who the academic scribbler is. I well remember, in my first year as an undergraduate, walking past Blackwell’s and seeing prominently displayed in the front window a copy of Professor Peter Singer’s *Animal Liberation*. He had, in 1975, as a young man, undergone a sort of convulsive conversion to vegetarianism, and this was his attempt to work out some rationale for what he was doing.

There were three points, essentially. First, people are not better or superior to animals. Secondly, what we have in common is that we sit on a spectrum of sentience. This puts us on the same level as the animals. The third point, as indicated by my noble friend Lord Herbert of South Downs, was a sort of crude utilitarianism which makes no distinction between humans and animals. Now, 45 years on, this book has spread throughout the world and become a text for all those who wish to promote the rights of animals. The logical consequence is that we are driven in the direction of veganism and the consumption solely of non-sentient plants.

I could not have asked for a more convenient introduction, in that sense, to what I was about to say, than the speech of the noble Lord, Lord Sarfraz, who, with consummate commercial skill, pointed us entirely in the direction of that veganism—and not only veganism but behaviour which respects and prevents harm to any sentient creature. That goes well beyond what we eat, as other noble Lords have said.

That is all okay: if Members of the House of Lords want to drive the country, without asking, in the direction of veganism, which we are told is hugely popular, although I do not know where the evidence for that comes from, on such a basis, and on the basis of some movie I have not yet seen about an improbable friendship between a scientist and an octopus—I am sure it is a tearjerker—that is absolutely fine. The House of Lords is free to do that, but what worries me is that we have cited here in the House a whole swathe of humanitarian legislation going back 200 years protecting animals. Contrary to what Singer and those people would say about the abolition of the distinction between humans and animals, all that legislation has been based on our moral obligations as human beings, rational and endowed with conscience. It is why it is called humanitarian legislation. It is not based on some assumed rights of animals.

All that—not the legislation but the moral basis for the legislation—is now to be swept away by a Government embedding at the heart of our legislation the notion of sentience as the driver of how we should treat animals. The whole moral basis is being changed and replaced by this calculus of sentience. This is a very bad step. It reduces our obligations as people to something that will be the subject of endless judicial review and footling arguments about rules and laws, whether ganglions are the same as brains, and whatever else might come up in the course of these discussions.

I am really very concerned about the Bill. It does nothing at all good for animals, but it does a great disservice to the moral foundation of our society.

**The Deputy Speaker (Lord Lexden) (Con):** My Lords, the noble Lord, Lord Mancroft, has withdrawn, so I call the noble Lord, Lord Sheikh.

2.38 pm

**Lord Sheikh (Con) [V]:** My Lords, I welcome this Bill as I have always believed that animals are sentient beings and that they feel emotions and experience pains. I was brought up in east Africa in a house with a large garden. We had a dog, cats, chickens, ducks and

rabbits, and we became very fond of them and got to know them. I noticed that they had emotions and felt pain, and I shall give one example. When my mother died, I was very upset and the cat we had at that time would not stop mewling and wanted to sit on my lap. I feel that the Bill is necessary, as we need to ensure that we look after their well-being and care for all animals, whether they are pets, on a farm or in the wild.

The Bill will apply to vertebrates other than homo sapiens, but the Secretary of State may by regulation include invertebrates of any description. I agree with what has been stated.

With regard to animals which produce something we consume or use, I feel that by caring for them, we will have better milk, meat, eggs, leather, wool, et cetera. The intention of the Bill is to ensure that all animals continue to have adequate recognitions and protections now that we have left the European Union. This must be ensured by appropriate domestic legislation. We were previously subject to Article 13 of the Treaty on the Functioning of the European Union, which stated that

“administrative provisions and customs of the Member States” must respect the “religious rites, cultural traditions and regional heritage” of their citizens.

I ask your Lordships to note the words “religious rites”.

I am a practising Muslim and I eat halal meat. There are nearly 1.9 billion Muslims in the world and over 3.4 million Muslims in the UK, and we make up over 5% of the British population. A number of Muslims, including me, will eat only halal meat, and their beliefs need to be respected. Animal welfare is very important in Islam. The Holy Koran and Hadith state that we must recognise animals as being sentient, and we are provided with guidance regarding how to care for, handle and farm them. In addition, we are told how they should be slaughtered for food. Islam forbids mistreatment of animals and their welfare is enshrined in Muslim beliefs. The Prophet Muhammad—peace be upon him—said:

“A good deed done to an animal is like a good deed done to a human being, while an act of cruelty to an animal is as bad as cruelty to a human being.”

Islam permits slaughter of animals for food but dictates that such slaughter must be exercised humanely.

There has never been conclusive scientific evidence to suggest that religious slaughter is less humane than conventional methods. In halal slaughter, the animal ceases to feel pain due to the brain immediately being starved of oxygenated blood. For the first few seconds after the incision is made, the animal does not feel any pain. This is followed by a few seconds of deep unconsciousness as a large quantity of blood is drained from the body. Thereafter, EEG readings indicate no pain at all.

I have spoken previously in your Lordships’ House about halal slaughter, and had discussions with then Defra Minister and corresponded with David Cameron, the then Prime Minister. Will the terms of reference of the committee to be appointed under the Bill include looking at the religious practices of halal and shechita? If this is to happen, I suggest that a person or persons who have a very good knowledge of these practices

should be appointed. This will enable the matter to be looked into comprehensively and thoroughly. Furthermore, I suggest that the committee holds full consultations with the communities and appropriate organisations to take account of the feelings of the people. I add that I would like to see the committee being independent.

I ask my noble friend the Minister to comment on the points I have raised, particularly those relating to religious slaughter. Leaders and members of the Muslim community have approached me to speak on the Bill today and raised the points which I have made.

**The Deputy Speaker (Lord Lexden) (Con):** My Lords, the noble Baroness, Lady Gardner of Parkes, who is next on the speakers’ list, has withdrawn. I call the noble Lord, Lord Trees.

2.45 pm

**Lord Trees (CB):** My Lords, this is a significant Bill, which, in general, I support. It can have good consequences but it could also have unintended consequences. I declare my interest as co-chair of the All-Party Parliamentary Group for Animal Welfare. I thank the Minister and the Bill team, as well as Mike Radford, reader in animal welfare at the University of Aberdeen, for useful and helpful discussions.

In the UK we have a deservedly proud history of protecting animal welfare, from 1822 to the present, as the noble Lords, Lord Herbert, Lord Forsyth, and several other noble Lords mentioned. All that legislation implied recognition of animal sentience without specific reference to it.

Animal sentience was incorporated into Article 13 of the Treaty on the Functioning of the EU by virtue of the Lisbon treaty of 2009. That article requires member state Governments to have full regard to animal welfare in formulating and implementing policy, as animals are sentient beings. Article 13 differs from the Bill in that it defines a limited number of policy areas to which it applies, whereas, as has been mentioned, the Bill applies to all government policy. Moreover, Article 13 significantly exempted

“religious rites, cultural traditions and regional heritage”,

as the noble and learned Lord, Lord Etherton, and other noble Lords mentioned. Thus, the Bill is very wide-ranging, covering all policy without exception, and it also implicitly includes wild animals. In placing obligations on government, the Bill will complement our excellent Animal Welfare Act, which places obligations on individual keepers of animals.

There were earlier attempts to enshrine the principle of Article 13 into UK law during the Brexit process, both in the other place and in this House, and the Government introduced their own Bill in 2017. This was scrutinised by the EFRA Committee in the other place, which received legal opinion that highlighted the serious risk of endless judicial review, partly related to the ambiguity of the meaning of “sentience”.

This Bill does not define sentience. Defra has commissioned a report from LSE Enterprise on this issue—which is germane to this debate but which, regrettably, is not yet available. Definitions of sentience range from

“having the power of perception by the senses”



[LORD TREES]

to

“the quality of being able to experience feelings”.

The Global Animal Law Project says:

“Sentience shall be understood to mean the capacity to have feelings, including pain and pleasure, and implies a level of conscious awareness.”

Clearly, most life forms have the ability to sense most harmful stimuli and, if they are mobile, to avoid them.

Undoubtedly, as scientific evidence is accumulated, it is likely that certain invertebrates will be added to the coverage of this legislation. Since octopuses and related species are already provided protection within the Animals (Scientific Procedures) Act 1986, it would be consistent to add cephalopods, as Clause 5(2) provides. There are also credible calls for decapod crustaceans to be included, on which the LSE Enterprise report may comment. With further research, even more animals might be argued to be sentient, which raises the question: where in the hierarchy of the animal kingdom does sentience end?

I raise this as something that will need to be considered at some time, although the Bill quite rightly leaves it to the Secretary of State and hence Parliament to make regulations and to determine which animals to include in the Act. I can foresee that as the frontier of evidence shifts, the Secretary of State may be called upon to choose between scientific evidence and broader policy considerations.

The current Bill will create an animal sentience committee to survey government policy, which may report to the Secretary of State if it feels that the commitment with regard to animal welfare is not honoured. Clause 2(1) says that it “may produce a report”, thus the extent of scrutiny is not clear. I note that the committee will be empowered to publish its report in whatever way it wishes and that the Secretary of State must lay a response to the report before Parliament, thereby ensuring political accountability. I welcome both measures, but there is much important detail about the committee currently lacking in the Bill.

If we are to have an animal sentience committee, in my opinion it is important that that committee is independent and quite separate from the current Animal Welfare Committee—as the noble Baroness, Lady Young, said—since it will be a statutory committee, whereas the Animal Welfare Committee is advisory. I suggest that it is also important that the sentience committee is adequately resourced for its huge task and that its membership is appropriate and balanced. I support the idea of adopting some parliamentary process to ratify the membership; for example, as well as scientific expertise in animal welfare, veterinary science and biology, it could include appropriate expertise in policy and impact assessment.

I recognise that the issue of sentience is a huge populist impetus and has become totemic, and I understand the Government’s desire to introduce this. With a measured, pragmatic and balanced approach—as the noble Baroness, Lady Hodgson, among others, mentioned—this Bill could be a force for good with respect to animal welfare. But there are concerns in my mind about unintended consequences, which other noble Lords have raised. I feel that we cannot ignore them, but I hope that they do not materialise.

Finally, there is much detail lacking about the committee’s role—on resourcing, its obligations, its composition, its powers and powers of inquiry, and, perhaps most important of all, its powers of sanction if its recommendations are ignored. When and how will more detail on these important operational questions be provided?

2.52 pm

**Lord Bellingham (Con):** My Lords, it is an honour to follow the noble Lord, Lord Trees, who obviously has a brilliant academic record. I declare my interests as in the register.

Like the noble Lords, Lord Forsyth, Lord Hannan and Lord Howard of Rising, my first reaction was to ask whether we actually need this Bill. Is there a particular problem that the Bill is essential to address? Is there a gap in our animal welfare legislation at the moment? Is there a gap in the protection given to animals? Should our legislation be upgraded and made more effective? Those questions certainly need answering.

The Minister—incidentally, I welcome the debut of the noble Lord, Lord Benyon, as the lead Minister on a Bill in the House—certainly put the case very strongly; no one anywhere in government has more knowledge of the countryside and animal welfare issues than him. He pointed out that, back as far as 1822, Parliament brought in the Cruel Treatment of Cattle Act, which was followed by the Cruelty to Animals Act 1835. It required another 64 years to elapse before legislation was brought in to give similar protections to children. That shows just how strongly Parliament over the years has taken the subject of animal welfare.

Built around and upon the foundations of those two Acts are the numerous welfare and cruelty Bills that have subsequently been brought in. So we have an incredibly high standard of animal welfare legislation in this country. We have high standards for farm animals, protections for pets, and very strict controls on cruelty against wild animals. We also have very tight control on animal experiments. All in all, we are a beacon across the world for top-class animal welfare legislation. There have also been many examples of the successful prosecution of the tiny minority of people in this country who abuse animals; the courts have been consistently tough. Furthermore, as a number of noble Lords have mentioned, all this legislation recognises the fact that animals suffer pain—otherwise why would you have legislation? Of course animal sentience is very much at the heart of our laws.

I come back to the question of whether we need this legislation; in particular, do we need a new animal sentience committee? As a number of noble Lords have pointed out, we already have the Animal Welfare Committee, formerly the Farm Animal Welfare Council. It has an excellent reputation. It backs up its work with high-class scientific advice, it is extremely cost effective and it is well established. I urge noble Lords to look again at whether we need a brand-new committee. Would it not be easier to expand the existing committee—as was pointed out by the noble Baroness, Lady Mallalieu, and the noble Lord, Lord Forsyth of Drumlean—and widen its remit to cover all animals?

As the Minister pointed out, as the Bill stands at the moment, the committee will have the task of roaming across the whole of government. It will have to be well resourced, and it will have to have a lot of staff. What will its relationship to the AWC be? Will it work alongside it? Will it complement it? Which will be the more senior committee of the two? The Minister needs to look at that very hard. Perhaps this Bill could be altered slightly, to widen the scope and powers of the existing, outstanding committee. We would save a lot of time—by not setting up a brand-new committee—if we did that.

I want to look quickly at the Bill's provenance because, as a number of noble Lords have pointed out, it all stems from Article 13 of the Lisbon treaty. That article refers to animals as "sentient beings" and makes it clear that, in stated areas of policy, member states must

"pay full regard to the welfare ... of animals".

However, it is restricted in scope to certain key areas. As a number of noble Lords pointed out, it also includes a requirement to balance animal welfare with "customs ... relating ... to religious rites, cultural traditions and regional heritage."

In other words, there is an absolutely crucial counterbalance to allow for particular traditions and aspects of religious heritage—the noble and learned Lord, Lord Etherton, made this point very succinctly.

I personally support halal and kosher killing, and I would like to see CCTV in slaughterhouses. But what would happen if, for example, the committee decided to wage a campaign against these two particular types of slaughterhouse? What would happen if, traditionally, all angling was to catch fish for the pot—to eat? We all know that probably 98% of angling now is catch and release. What would happen if the committee decided to ignore this regional, cultural country pursuit, which is pursued by many tens of thousands of people, and launched a campaign against it? There is no counterbalance in the law that will set up this committee to prevent it doing that. The worry is not about what might happen with this Minister but about what might happen with future Governments, when there is no counterbalance to protect the interests of many tens, even hundreds, of thousands of people in this country.

The Minister said that, now we have left the EU, we can introduce legislation to go further than EU regulations. I was under the impression that our post-Brexit ambition was to reduce layers of bureaucracy, and make the UK more streamlined and our laws more user-friendly. In my humble opinion, we are gold-plating EU regulations. I quote the noble Lord, Lord Moore, who put it very well:

"The ground is being laid for exactly the expansion of bureaucratic ... power that Brexit was supposed to counter".

I have always subscribed to this dictum from Lord Falkland: unless it is vital to legislate, it is vital not to legislate.

2.59 pm

**Lord Bhatia (Non-Afl) [V]:** My Lords, the Animal Welfare (Sentience) Bill would enshrine the recognition of the sentience of vertebrate animals in domestic law. It would also establish an animal sentience committee

that would report on whether government policy-making considers that animals are sentient beings capable of feeling emotions and experiencing pain.

This is a government Bill. It was announced as part of the Queen's Speech on 11 May 2021. It had its First Reading in your Lordships' House on 13 May and is due to have its Second Reading in your Lordships' House on 16 June 2021.

There is a growing consensus among scientists and policymakers that animals are sentient beings capable of feeling emotions and experiencing pain. The Universal Declaration on Animal Welfare states:

"There is scientific evidence for sentience in all vertebrates and at least some invertebrates."

Despite a few points of contention, calls have increased for the recognition of animal sentience in UK domestic law. In December 2017, the Government ran a consultation on its draft animal welfare Bill; 80% of respondents requested that sentience be explicitly defined in UK law.

The principle of animal sentience governing animals in the UK was previously provided for at a European level, specifically in Article 13 of the Treaty on the Functioning of the European Union. Article 13 provides that member states should pay full regard to the welfare requirement of animals when formulating policies. It is not explicitly in the treaty, but the EU has stated that animals are

"capable of feeling pleasure and pain".

Article 13 states:

"In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals".

However, following our withdrawal from the EU, these provisions are no longer applicable in the UK. Charities and campaigning organisations, including the Royal Society for the Prevention of Cruelty to Animals and the British Veterinary Association, have raised concerns about this gap. They have called for domestic legislation that includes a definition of sentience that encapsulates an animal's capacity to have feelings, including pain and pleasure, and which implies a level of conscious awareness.

Does the Minister agree that in the future—perhaps a long time in the future—we will ultimately all become vegetarians?

**The Deputy Speaker (Lord Russell of Liverpool) (CB):** The noble Earl, Lord Shrewsbury, has withdrawn from the debate, so I call the next speaker, the noble Baroness, Lady Redfern.

3.03 pm

**Baroness Redfern (Con) [V]:** My Lords, I am pleased and proud to take part in this debate. I warmly welcome the Animal Welfare (Sentience) Bill and the Government introducing new laws to recognise that animals are sentient beings. It will protect all animals, including farm animals, tackle puppy smuggling, make keeping primates as pets illegal and ban the import of hunting trophies.

The Government promise to review the use of cages for egg-laying hens and narrow metal crates for farrowing pigs, but surely there is a demonstrable case for banning

[BARONESS REDFERN]

cages for laying hens given that they are crammed in, barely able to move, and banning the very narrow metal crates for farrowing pigs. However, I note with regret that some other European countries still carry out the standard practice of docking pigs' tails.

I cannot emphasise enough the importance of establishing clear labelling of meat for all our customers, particularly imported meat. But the big question many are asking is: are we to ban the sale of foie gras and end the cruel practice of force-feeding ducks and geese with large amounts of food? I hope all these points can be addressed when my noble friend the Minister responds.

We are all animal lovers, and this Bill will establish welcome new measures and help to build even higher standards of welfare and good farming practices. It is a new beginning. As we know only too well, animals not only show immense loyalty and devotion but know pleasure and pain.

In the past few months, as I walked my dogs and experienced nature, seeing hares racing across the fields, I have come to know how much we value our wildlife. So I am very pleased that new laws are to be established to crack down on illegal hare coursing, but I would like us not just to restrict the use of glue traps but to ban them outright.

I welcome the fact that the practice of clipping dogs' ears and cropping or docking their tails is illegal here, but the Bill will put a stop to anyone bringing such pets into the UK and to unscrupulous criminal gangs abusing pet travel rules for their gain. It will also raise the age at which puppies can come to the UK from 15 weeks to six months and prevent them being taken away from their mothers at a very young age. There are also restrictions on the importing of pregnant dogs, which I have spoken about before.

The Bill will improve the lives of farm livestock, halt the export of live animals for fattening and slaughter, and improve transportation measures so that live animals do not have to endure excessively long journeys, which I particularly welcome as EU rules prevented any changes. I would also be interested to know how long journeys will be monitored, and how surveillance and record-keeping will be monitored at all abattoirs.

We cannot continue to ignore the way we treat our animals. This sentience Bill will, of course, not solve any animal welfare problems by itself, but it is a start, and we will be the first country in the world to pass animal welfare laws.

Finally, I am pleased that the Government support increasing the maximum custodial sentences for animal cruelty offences from six months to five years, so that courts will have clear guidelines when determining sentences, making the UK's sanctions the toughest in Europe, and recognising animals as sentient beings. I look forward to further reforms to the Bill later in the year.

3.07 pm

**Lord Inglewood (Non-Affl) [V]:** My Lords, I am content with the Bill, the gist of its purpose and the role that the proposed committee will play in the debate about animal welfare, a topic about which everyone has an opinion. I begin by declaring an

interest, for I am a livestock farmer in Cumbria. I personally do little shooting and in the old days used occasionally to go out with the fell packs. I am also a patron of the Livestock Auctioneers' Association and president of the National Sheep Association.

While I fear that there always are abuses, real farmers care about their stock and take pride in it and the way it is looked after. I also do not believe that animals have rights. Rather, we as humans have obligations towards them that should and must be legally enforced. This is a widely recognised legal phenomenon and an entirely sensible approach to these matters.

I was a Member of the European Parliament when embedding the concept of animal sentience in EU law was discussed. At that time I was very unsure whether this was the right direction of travel, but I have become satisfied that it is.

Contrary to what some seem to say, animal sentience has been understood for quite a long time. After all, Homer understood it. You have only to read the 17th- book of the *Odyssey*: returning in disguise after a 20-year absence, Odysseus is recognised only by his faithful old dog Argos.

In this instance as in so many others, and as is so often the case, for our national policies to be sensible they have to sail between Scylla and Charybdis—the Scylla of treating animals as mere chattels, and the Charybdis of anthropomorphism. Walt Disney has done this issue no favour; “Bambi” is a confidence trick. Equally, in this context, Beatrix Potter has quite a lot to answer for. Although it will come as no surprise to your Lordships, and although I never knew her, those of my Cumbrian friends and neighbours who did, tell me that she was a very practical, down-to-earth hill farmer whose attitude towards her own animals bore little relation to her fictional creatures.

I welcome the committee, but it is not a substitute for either government or Parliament. I assume its purpose is to help public debate on this topic, as part of a wider political process. Both Parliament and the Government have never been backward about ignoring committees, and I do not anticipate that that is going to change. The impact of this committee will depend on its tone and modus operandi. It has to base its thinking on expertise, not partisanship, its approach and composition on independence of thought and action, and its conclusions on intelligence and wisdom. These aspects must be central to its activities and will determine its seriousness, or lack of it, and hence its influence and ability to be a force for good. Whether that happens depends on what it does and the conclusions it reaches which, I hasten to add in conclusion, is not necessarily the same as agreeing with me.

3.11 pm

**Baroness McIntosh of Pickering (Con):** I am delighted to follow my noble friend and contribute to this debate. I declare my interests, as on the register. In particular, I am a member of the rural affairs group of the Church of England and an associate fellow of the British Veterinary Association. I am also a former Member of the European Parliament and had the privilege to chair the Environment, Food and Rural Affairs Committee in the other place.



I approach this from much the same viewpoint as my noble friend Lord Inglewood. There is a voice in this debate that has not been properly heard, so far—that of the producer, farmer or carer of livestock. I pay tribute to and recognise the role of farmers in rearing livestock. They not only practise good husbandry but realise that, if they stress the animal, either just before slaughter or at any time in its production, they will simply not achieve the value for that animal that they believe they deserve. I hope that my noble friend from the Front Bench confirms that their voices will be heard in the passage of this Bill.

It is not just their responsibility to see to the welfare and good husbandry of animals in their care as, over the last 30 years, they have faced real challenges with animal health and disease. We have had a challenge almost every 10 years, with BSE, foot and mouth, and most recently a fraud, but it could so easily have been a safety or health issue, in horsegate. I hope my noble friend and the Government pay tribute to the role of farmers and producers, in this regard.

I express a personal reservation, having looked at some of the contributions to the Government's consultation on aspects of the animal welfare reforms they seek, especially on the extra provisions we are going to impose on the movement of animals at home and for export. We are going to accept animals that have been transported over much greater distances, such as in Australia, which are not practices that we condone. I will come on to that in a moment.

On the Bill before us today, I cannot argue with anything that was said by the noble Baroness, Lady Mallalieu, or by my noble friend Lord Forsyth and others. The Government have to convince us of the need for this Bill. As the noble Baroness, Lady Mallalieu, said, we have to be careful that this is not seen as “gesture politics”.

On the composition of the committee, I am struggling to understand why it cannot be formed as part of, or a sub-committee of, the Animal Welfare Committee, as other noble Lords have argued this afternoon. It is also very light on what the composition of the committee will be. Who will sit on it? Will there be a veterinary surgeon? I am surprised that the noble Lord, Lord Trees, did not make that case. Will there be somebody with a background in animal husbandry, production or animal slaughter to give a verdict on some of the proposals in the reports? What resources will be made available to the committee? Who will staff it and how independent of the Government will it be? Crucially, how long will each appointment to the committee be, who will chair it and how many members will there be?

As my noble friend Lady Hodgson said, the relationship between this and other committees is crucial, in particular with the Trade and Agriculture Commission and the Animal Health and Welfare Board. From my reading of the Bill and Explanatory Notes, there is going to be some overlap. What will the status of the reports be, how transparent will their drafting be and how open will their consultations be? Will the Government be forced to accept the recommendations in those reports?

How will the Government seek to ensure that my noble friend and the department have this cross-departmental responsibility? I am slightly alarmed that we are giving them yet another cross-departmental

responsibility, when they have woefully failed to implement the rural-proofing policy. My noble friend has a letter from me on his desk; I realise that he is new and I welcome him to his new position, but I hope that he replies soon. Why, for example, have we not had rural proofing across departments, as a precursor to what the Government expect to do with their cross-departmental responsibilities under this Bill? I ask what their role will be in extending this to other jurisdictions and place on record my belief that, as others have noted, this should reflect the contents of the Animal Welfare Act 2006 and the scope of Article 13 of the Lisbon treaty.

To conclude, it would be unacceptable if we were to take this opportunity to clobber our producers with yet more animal welfare and environmental provisions, when it looks likely that we will accept meat and other produce from jurisdictions such as Australia, which have practices such as hormone-produced beef and allow their animals to be transported for slaughter over distances that we would not condone in this country.

3.17 pm

**Viscount Ridley (Con) [V]:** My Lords, animal sentience is a fact, not a principle, let alone a policy. We have recognised this in law for a very long time. The entirety of animal welfare legislation assumes animal sentience and, rightly, that it is a thing of degree rather than kind. One of the effects of doing research in evolutionary biology is that you come to realise that there are no real differences of kind in the animal kingdom, only differences of degree.

One after another, the fortresses of assumption about what makes human beings special have fallen to the forces of science. Copernicus told us we were not at the centre of the solar system. Darwin told us we were just another animal. Crick told us we use the same genetic code as an amoeba. Ryan Gregory pointed out that an onion cell has six times as much DNA as a human's. Even as recently as 1999, serious scientists were still saying that human beings would prove to have a bunch of unique genes to build the special human brain. It turns out that we have not only the same number of genes as a mouse but the same genes as a mouse; it is just that we turn them on and off in a different order. Dogs dream, parrots use language, octopuses reason, dolphins have a theory of mind and chimpanzees use tools. You cannot draw a line through the animal kingdom and say that on one side lies consciousness, let alone sentience, and on the other nothing. There is a gradation.

The Government's 2018 consultation defined an animal as follows:

“an organism endowed with life, sensation and voluntary motion”. That includes bacteria, incidentally, so it is not a very good definition of an animal. As it includes the word “sensation”, by definition it means that all animals, including parasitic roundworms and jellyfish, are sentient to some degree. In practice, we do draw lines and do not find slopes to be slippery. We swat mosquitoes and poison rats. I presume that, as a result of this Bill, we will not all eventually be ordered by a committee on animal sentience to become orthodox Jains, who sweep the pavement as they walk the street lest they step on an ant.

[VISCOUNT RIDLEY]

The sentient animals that concern me in relation to the Bill are the living, sensing, voluntarily moving creatures called bureaucrats. The Bill does little or nothing to change the way we treat animals, but it does create a wonderful feeding opportunity for Homo bureaucratius to do what it is best at: to build a nest and raise a lot of workers.

Over recent centuries, human society has increasingly improved its concern for animal welfare, in parallel with its growing concern for human welfare. We have stopped badger baiting, cockfighting, fox tossing and the popular medieval pastime of nailing a cat to a tree and competing to try and kill it with your head while not getting badly scratched on the face. We did not have a committee telling us to stop these things; we do not need a committee to do that. My late sister, Rose Paterson, did not need a government committee to tell her to improve horse welfare in the Grand National as chairman of Aintree Racecourse; she did it anyway. As my noble friend Lord Hannan said, we will continue to add to the list of things we disapprove of, but we do not need a committee to tell us to do so.

What this committee will inevitably do, because that is what this species of sentient being always does, is try to grow its budget by giving itself enough work to ensure that it can complain that it is underfunded. I predict that the committee will not stick to its task of commenting only on the process by which government has reached a decision. Indeed, in a helpful briefing note the Countryside Alliance says that this process of demanding a bigger budget has effectively already begun. It says:

“Given that the Committee’s remit covers the entirety of government policy, from formulation to implementation, the Committee will need huge resources. It should be looking, not just at wildlife management and farming practices and the Defra brief, but also policy areas such as planning, trade, and even procurement of medicines for the NHS. There is seemingly no limit.”

I predict that it will be a nearly impossible task to prevent this budget-maximising, empire-building, remit-expanding, mission-creeping process—which is in the nature of all committees, in the same way that it is in the nature of all wasps to build nests—and to avoid the committee ruling on whether, say, the building of a housing estate should be stopped to prevent avoidable suffering by a newt. My question to my noble friend the Minister is simple: how does he propose to achieve this nearly impossible task?

3.22 pm

**The Earl of Erroll (CB):** My Lords, I first declare an interest in farming in that my family farms, but I am handing everything over.

I find this Bill woolly. Much is left to the discretion of the Minister and the Executive. I have heard it described as a paving Bill and an entry point; more legislation may follow. I am sure we will get lots of assurances from the Front Bench, but we should remember that no ministerial Statement or Government can bind the successor Governments and Parliaments that follow, so we have to be very careful; we need things to be in the Bill.

Several speakers have spoken about the Bill as being useful for protecting farm animals, but we already regulate farming in great detail—I am sure we will

regulate more for things we have missed—so I presume this committee will look at wild animals. I very much like the points made just now by the noble Viscount, Lord Ridley, about what other things it could cross over into and mess up, when we are trying to look at the bigger pictures. If we try to make animals the pure and total focus of everything, we need to realise that we are only another animal on the planet.

One of the things that really worries me is that the composition of the committee is very open to manipulation—several speakers have mentioned this. There is nothing there about long-term balance and ensuring that it stays balanced.

Another thing that worries me is this definition of sentience. Again, I was very interested by the noble Viscount’s points about that, because there is a huge danger of anthropomorphism. Most creatures, if not all, have an autonomous nervous response to stimuli. This does not require thought, so should we really be inferring sentience from it? Or does sentience require reasoning, and in that case to what level? I do not think we go as far as the ethics, which was spoken about before.

The other thing is about pleasure and the question of whether animals enjoy working; this concerns the closing down of the circuses and things like that. I know from my personal experience that animals do enjoy doing things and working—there is no doubt about it—but some people think it is demeaning and do not like that, because they anthropomorphise what they are doing.

I just hope that this committee will understand the difficulty of balancing biodiversity. One of the biggest problems we have with a lot of things, particularly with single-issue pressure groups, is that the solution to the overpopulation of a particular animal species is to relocate it. Sometimes that just messes up somewhere else—or it may mess up the animal; it may be totally unproductive. We say, “Oh, we don’t want to hurt these animals”, which at the moment are destroying this environment that they may require for their own survival, so we relocate them over there—but that may not be any good for the animals, and they may die anyway as a result.

Another problem comes with the overprotection of certain species. I have noticed this particularly with some of the hunting species, such as badgers. There is huge overpopulation of badgers at the moment. Badgers eat hedgehogs. Why do we have a diminishing hedgehog population? No one thinks about this. They blame all sorts of things but not the badgers, one of the few creatures that can open them up and eat the things. The other thing is bumble bees. Quite a lot of species of bumble bee nest in the ground in small nests. It is just like a bar of chocolate for a badger; they love them. A bumble bee is very different from worker bees that live in hives and go out all over the place.

The trouble is that a lot of people who live in towns have perhaps done a brief course on the environment at Durham University, borrowed a pair of welly boots for a farm walk or whatever and then become experts on the environment. I do not think they really understand the breadth of things you need to understand.

Just for amusement I was thinking about anthropomorphism. I was amused by the “Lobster Quadrille” by Lewis Carroll, and I think we are going in that direction:

“Will you walk a little faster?” said a whiting to a snail,  
There’s a porpoise close behind us, and he’s treading on my tail.

See how eagerly the lobsters and the turtles all advance!  
They are waiting on the shingle—will you come and join the dance?”

The way we are going, I think they are about to join our human dance.

I was amused by the noble Lord, Lord Hannan. I was going to suggest that maybe bear baiting has been replaced with politician and celebrity baiting. I think that is the new sport—and maybe toff baiting as well, since I seem to be counted among those by some people.

The main thing is that I agree with those who doubt the Bill’s utility. I am not sure we should waste a huge amount of time on it—but I think we will have to, to make sure it does not become dangerous.

3.27 pm

**Lord Robathan (Con):** My Lords, I have heard a large number of quite excellent speeches—some funny, some learned—and I cannot possibly emulate them. I shall try not to repeat verbatim what has been said, although it can be quite difficult when you come in at a late stage on a Bill.

We are of course a nation of animal lovers, and I include myself in that. Quite rightly, people who are cruel to animals are prosecuted, be it for cats nailed to trees—we heard about that recently from the noble Viscount, Lord Ridley—or set on fire, which they have been, or hedgehogs used as footballs. I see

“tougher sentences for animal cruelty”

in our manifesto, and I applaud that if it gives magistrates the opportunity to sentence cruel jobs appropriately.

We have heard about farming standards. Our farming welfare standards are in the news today, because they are so high, because of the Australian free trade agreement. It is agreed that they are excellent, and we should be proud of that.

Are animals sentient beings? They probably are—I certainly think so—but they are not the same. For instance, my dog will run out into the middle of the road and stand looking at a car driving straight at it, much to my annoyance and fear. It does not have the same reactions as we have; we should realise that. Do they feel pain? Of course they feel pain. Is it different from ours? I think it probably is, but we owe it to all animals, wild and domestic, to treat them well—but that is a very subjective judgment. For instance, do animals at a slaughterhouse exhibit fear? I have been to slaughterhouses; they do. So should we ban the killing of animals for meat? Should we ban the shooting of wild birds or deer for eating? My answer is no. We should treat animals well in life and we owe them a clean and swift death if we are going to eat them.

I declare an interest as a farmer. My farming partner dislikes sending lambs and especially young cattle to market. I understand that. Indeed, he sells his calves only to other farmers, mostly for breeding. James

Cromwell, who noble Peers will know as the actor who played the farmer in “Babe”, which I thought was an excellent film—I watched it probably 20 times with my children when they were younger—apparently became a vegan after the film because it was so anthropomorphic.

We already have high standards and laws on animal cruelty, so why do we need the Bill? It is very flimsy. There is nothing to it really, as one Minister told me, so why are we having it? We are told that it is very popular with people and that animal welfare was the second-most important issue in the minds of voters in the 2019 election after Brexit. Well, do they vote on these issues or on wider and more important issues facing the country? I was elected to the House of Commons five times and I think I still know how people think. Most people vote on rather more important issues.

Most people have feelings for animals, but there is a small lobby of activists who rarely vote Conservative—or, indeed, Labour—pushing an animal rights agenda. They are not mainstream. They represent only themselves. The Peta—People for the Ethical Treatment of Animals—website says “End Speciesism” and has a picture of a rat with:

“We also feel pain, love, joy, and fear.”

Love? Rats will eat their own young, as noble Lords will know, and I do not think that shows love. Peta also wants us to go vegan, to not have milk in our coffee—a treat—and it says that eating meat, cheese et cetera is an addiction similar to drugs. The Animal Liberation Front, of course, is notorious for its violent action. I could go on. But are rats sentient? Yes. Are squirrels, which are destroying the woods that we are all trying to encourage, sentient? Yes. Are the magpies that kill fledglings sentient? Well, yes, of course, as are the foxes that kill hens—but what about the hens and the fledglings that get killed by magpies?

I will not dwell on the fact that if we did not have farm animals for our benefit, they would not exist and our countryside would look totally different. It would be mostly arable or wasteland. So this Bill seems to me to be driven by a minority agenda pushing animal rights. What amendments does my noble friend envisage under Clause 5(2) and (3) to regulations made by SI. What good will come of this animal sentience committee? What relationship will it have with the Animal Welfare Committee? Who will be on the committee? Will he pledge not to appoint members of Wild Justice or Peta? To coin a phrase, cui bono? The Explanatory Notes blithely say:

“The Bill will require some public expenditure.”

How much?

Finally, the Bill has been described by one of my noble friend’s fellow Ministers as a paving measure. What does that mean? We have heard today ominous calls for the Bill to be strengthened. Like my noble friend Lord Bellingham, I have always believed that we should legislate as little as possible and only when it is necessary. The gentleman in Whitehall does not know best, and individuals should be allowed to get on with their lives without interference, in so far as that does not adversely impact on other people or wider society—and that includes animal cruelty. We pass laws to ensure that that does not happen. I fear that the Bill is a superfluous measure and a very un-Conservative measure, and I look to the Minister



[LORD ROBATHAN]

to allay my fears that this is not some thin end of the wedge softening-up of our legislation to pursue a bogus animal rights agenda.

3.33 pm

**Lord Pearson of Rannoch (Non-Aff):** My Lords, I propose to speak in favour of electric dog-training collars and against non-stun halal and kosher slaughter, both of which could fall under the influence of the proposed new committee.

Starting with the collars, I should mention that I have worked with spaniels and pointers since the age of 11 and now have four German pointers over which we shoot rather few grouse on Rannoch moor. The years before the arrival of the electric collar bring many unhappy memories of dogs chasing deer and hares and being savagely beaten by my father and various keepers on their eventual return—only to do it all again at the next opportunity. But the modern training collar has changed all that and I cannot help noticing that those who wish to make them illegal do not seem to know much about how they work but are instead guided by a well-meaning intention to prevent dogs suffering pain.

I have looked at the sites of the four main organisations which wish to ban them—the Kennel Club, the Dogs Trust, Blue Cross and the RSPCA—and none of them mentions the process by which these collars do their job. They emit three levels of signal from three different buttons. The first button induces a simple beep from the dog's collar. If that does not work, the next button produces a stronger buzzing noise. Only when that does not stop the dog doing what it is doing do you press the impulse or shock button. It is, of course, essential that the dial on the shock button is set at the lowest level necessary to stop the dog chasing whatever it is chasing, barking at a passer-by or running on to a road and endangering its own life and the traffic.

For my energetic German pointers, which are smooth-haired, the shock dial, which goes from one to nine, does not have to be set above four. For larger and more rough-haired dogs, the dial should be set at higher figure—but always only at the minimum required to have the desired effect. My experience of using these collars is that my dogs generally do not need to be given more than one shock in their lives. Thereafter, they stop whatever they are doing wrong on the beep and come straight back to me, wagging their tails. Of course, other breeds may be less sensitive, but not much.

In all this, we must not forget that most of our dogs are descended from wolves or wild dogs of some kind. The wolf or wild dog still lurks in them, however charming and lovable they may be by the fireside. We must also not forget the huge comfort which dogs bring to millions of people. So my view is that these training collars should be encouraged, especially for dogs which are going for a walk or run off the lead in the countryside. A dog killing a sheep or a deer brings much pain to its quarry, even if it is a fairly natural process, and the minimal pain felt from a training collar, perhaps only once in a dog's life, seems to me to be a pretty good deal.

Finally on dog collars, it is worth wondering why no one seems to want to ban electric livestock fences, which can produce an electric shock some 3,000 times stronger than a dog training collar. I suppose the Government may be too afraid of the NFU to contemplate banning them.

And so, finally, to non-stun halal and kosher slaughter. I wonder whether the Government can explain why they are even vaguely thinking of banning electric dog collars through this new committee while tolerating the colossal suffering inflicted by these practices. Figures from the Foods Standards Agency tell us that in 2018 some 3.1 million sheep had their throats cut without being pre-stunned—one-quarter of all sheep killed—and 22,000 cattle suffered the same fate. Of course I understand that the Government and our elected politicians generally may be too frightened of the Muslim and Jewish vote to tackle this practice head-on and simply ban it. But, if that is so, why do they not require all meat sold in this country to say on its wrapping whether it comes from a pre-stunned animal? After all, cigarette packets are required by law to tell the purchaser that smoking damages your health, so why not the same for meat?

I understand that some schools and hospitals now serve nothing but halal and kosher meat, because it is so vociferously demanded by their relevant Muslim and Jewish patients. This is very unfair to our Hindus, Sikhs and Buddhists, who are forbidden to eat halal or kosher meat, and it is also unfair to the rest of us who do not want effectively to be forced to eat it or go without. So I suggest that the Government re-examine their priorities in this matter, and I look forward to hearing the Minister's reply on these two points. Before he leaves the Chamber, I should add that I welcome him to his new position today—but I do not envy it.

3.39 pm

**The Earl of Caithness (Con):** My Lords, I regret that my noble friend the Minister has been landed with this as his first Bill back as a Defra Minister. I exonerate him of having any of his fingerprints on this piece of legislation that we must consider.

When the Government did not roll forward Article 13 of the Lisbon treaty—which had at least some balance in it—I was interested in what they would do when they introduced their own legislation. My noble friend started his speech by saying this was a new chapter. It is not a new chapter. Virtually every noble Lord has mentioned 200 years of legislation; this is just another part of the process that has been going on for some time. You do not actually need primary legislation to set up a committee, unless it will do something constructive, has a remit and is defined, and all that has been discussed by Parliament.

As so many noble Lords have said, the credibility of the committee will depend on who sits on it, what evidence it takes and how independent it is, but we know absolutely none of the answers to those questions. We are talking about a committee that can be appointed, sacked, disbanded or enlarged; we have no idea what the heck the Government are talking about. It is absolutely key that we tighten that up in Committee.

I hope that my noble friend paid particular attention to the speech of my noble friend Lady Foster of Oxtou. She reminded us that there are many laws in

Europe, but very few of them are implemented and no country takes them very seriously. My noble friend Lady Redfern mentioned the problems of farrowing pens, tail docking of pigs and hen cages. However, this committee the Government have set up—this wonderful thing that will cross all government departments—will take evidence and give advice to the Foreign Office and the Department for International Trade. My noble friend Lady McIntosh must not worry too much; I have no doubt that the committee will say that we will not be allowed to trade with Europe because it has the wrong farrowing pens and bird cages and that the beef from Australia is poorly produced compared to here. What will be the effect of this committee on our foreign and trade policy? I hope my noble friend has thought that through.

My noble friend Lord Herbert is right that we must not confuse animal rights with animal welfare. We are all pro-animal welfare, but animal rights are a very different and much more subtle thing to get right. Will my noble friend the Minister confirm that the report that the noble Lord, Lord Trees, reminded the House about has been commissioned by Defra and that the Committee stage will be deferred until that report has been received and we have read it? It is pointless to take us through Committee when we are waiting for a report that will give us a definition. That abuses this House. I hope my noble friend will be very firm with his department on that.

My noble friend Lady McIntosh and the noble Baroness, Lady Mallalieu, mentioned the rural proofing committee. We had some hopes that rural proofing would be done properly. A committee was set up; its first report was fairly diabolical and gave us no confidence that the committee, which also crosses all government departments, would make any headway at all. The counterargument to everything I have just said is that I do not need to worry at all about this committee because it will go the same way as the rural proofing committee and the Government will ignore everything it suggests.

My noble friend Lord Bellingham quoted my noble friend Lord Moore. I will quote him too: the consequence of this Bill

“will surely be an ever-greater resort to the courts, with pressure groups using committee reports as their weapons of ‘lawfare’. The committee could become a Trojan horse for extremism—and the Trojan horse, let us remember, was not a sentient animal, but a collection of sentient human beings using animal disguise to effect capture”—

the sort of people my noble friend Lord Ridley was talking about.

There is potential good from this committee, but also an awful lot of gesture politics. I fear that the Government will find it too difficult and be blackmailed into implementing some extremist reports from the committee unless we know more about it and have greater control over what it does in future.

3.45 pm

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

[V]: My Lords, it is a pleasure to follow the noble Earl, Lord Caithness, and to take part in this wide-ranging debate. I thank the Minister for his briefing

and his introduction to this short but extremely important Bill, which ensures that animal sentience remains enshrined in law following our exit from the EU.

The recognition of animal sentience is not in dispute, as it has long been established that animals are sentient beings. Like us, they are capable of feeling pain, hunger, distress, pleasure and a sense of well-being and safety. All policies involving animals should take this into account. The noble Baroness, Lady Hodgson of Abinger, spoke eloquently on these aspects of sentience.

There is some discussion whether the categories covered in this Bill should be extended to include not only vertebrates but invertebrates, and there is provision in the Bill for this. We have heard the case for cephalopods, or octopi and squid, and decapod crustaceans—crabs and lobsters. As we are debating this inclusion so early in the passage of the Bill, it seems sensible for this to be included in it and not left to be dealt with later under statutory instruments. Can the Minister say whether the Secretary of State is open to such an amendment at this stage?

It is vital that the animal sentience committee, or ASC, can operate with sufficient resources and authority to make a real difference. Many of your Lordships have referred to this. A proper budget and secretariat will ensure that the ASC operates to public expectations. The financial support for this committee should not be an afterthought in either Defra or the Treasury’s financial planning—it should be central. The noble Baroness, Lady Young of Old Scone, referred to this.

Like others, I have received several briefings from animal welfare organisations, raising concerns about not only the membership of the ASC but its funding and the weight attached to its work across all government departments. While I am concerned about these issues, I am also anxious that the work of the committee and its ultimate aims should not get bogged down in judicial review. It is important to produce a Bill that is fit for purpose but does not provide loopholes which would end up in JR.

The ASC membership should, of course, contain relevant expertise. I received one briefing from a conglomerate/confederation of 51 animal charities and lobbies; it will clearly be difficult for the Government to please everybody in the membership of this committee. What is its size likely to be? The noble Baroness, Lady McIntosh, also asked questions around this. Clearly, the larger it is, the more cumbersome it will become and the longer it will take for it to complete its work on various pieces of legislation and policy, but it must be large enough to have sufficient representation from experts across a number of fields. Business interests will need to be included; we are already seeing concern over the free trade deal with Australia around the welfare of animals raised there very differently to how animals are raised in the UK. Essential membership should include representation from experts in wild, domestic and farm animals, as well as those that live in the sea.

I turn briefly to tenure. How long will the term of office be for the chair and members of the ASC, once appointed by the Secretary of State? Given the number of interested charities and organisations involved in animal welfare, a healthy turnover of representatives may provide reassurance.

[BARONESS BAKEWELL OF HARDINGTON MANDEVILLE]

The essentials to inspire confidence in the ASC's deliberations and outcomes will not necessarily come from the number of representatives, nor just who or which organisations are represented on the committee. Instead, confidence will come from ensuring a wide range of expertise among the membership. It will come from complete transparency around the recruitment process and in all the workings of the committee.

The ASC will need to be accountable for its work to Parliament. This is especially important as it will cover policy across all government departments outside Defra. The ASC will need autonomy and independence, reporting on a yearly basis to Parliament, giving the Secretary of State three months to respond. Part of the reporting process should involve impact assessments of the various policies on the animals concerned.

Other Peers have referred to the need for an animal welfare strategy. This appears to be an essential part of the ASC's work, and its absence perhaps an oversight. Can the Minister give reasons why there is no mention of such a strategy?

The noble Lord, Lord Trees, has raised the instances in the Bill where “may” is included. This seems to me a rather weak term which could easily be ignored. There are likely to be amendments in Committee to strength the legal provisions of the Bill. This should ensure that, as a suite of Bills under the *Action Plan for Animal Welfare*, the Animal Sentience Bill plays its full part in protecting animals.

The noble Baroness, Lady Jones of Moulsecomb, suggested that the Bill is a publicity exercise. I hope the Minister will be able to reassure us that this is not the case: that the Bill will have legal status and make a difference.

The animal welfare plan makes it clear that there are very different categories of animals and that, therefore, different strategies are needed for dealing with their welfare. For instance, the duty to a farmed deer would be different from the duty to a wild deer. Both are the same species and sentient, but their lifestyles are very different. Flexibility in dealing with all animals will be key. The noble Lord, Lord Herbert, attempted to make this point when speaking on animal rights.

The Government will need to create clear duties and powers for the ASC to ensure that all relevant policies are considered. The avoidance of harm to animals is important, but so is the enhancement of the lives of animals. This aspect should be part of the remit of the ASC, as well as being proactive in its research and work, not just reactive. The noble Baroness, Lady Fookes, referred to this.

I do not subscribe to the view that the ASC should be a sub-committee of the current Animal Welfare Committee. It should be a stand-alone committee in order to have proper influence. I do, however, agree with the comments of the noble Baroness, Lady Mallalieu, on the wild animals in circuses Bill, which was a Bill to deal with just 22 specific animals, all bred in captivity.

I welcome the Bill and have learnt much from the debate this afternoon, which I have thoroughly enjoyed, especially the speech from the noble Earl, Lord Erroll. I declare myself a complete addict as described by the

noble Lord, Lord Robathan. However, I look forward to the Minister's response and to working with others during Committee on this important Bill, which I do not believe is about bossing Parliament about.

3.53 pm

**Baroness Hayman of Ullock (Lab):** My Lords, this is an important Bill, and I thank all those who have spoken in the debate today. We have had a number of interesting and strong views expressed.

Since leaving the European Union, we no longer have legislation that recognises animals as sentient beings, so we strongly welcome the Bill and the opportunities that it provides. The formal legal recognition of animal sentience sends a clear message that we are committed as a country to protecting the welfare of animals, but for this to be meaningful, any commitment on paper must be followed up in practice.

We have already heard that the Bill is vague in many respects, so the challenge for this House is to make sure the Bill delivers on what it is promising. As we have heard, it has been a long time coming. Other noble Lords have spoken about the delays, which go back to November 2017, when the Government rejected a proposal to carry the Lisbon treaty into post-Brexit policy. But this issue has had immense public interest, with consultation and amendments in both Houses—I pay tribute to the noble Lord, Lord Trees, for his role in this. There was previously a widely-criticised draft government Bill—if the noble Lord, Lord Forsyth, would like to see a badly drafted Bill, I recommend that he takes a look at it—and a number of false starts along the way.

That is why it is now vital that we grasp the opportunity before us to ensure that this legislation leaves the House a better Bill than when it arrived. We believe that some aspects are particularly welcome: that the Bill covers all departments and that, by implication, it covers wild animals as well as those under the control of man, as wild animals should also be protected from harm by man.

The noble Lord, Lord Trees, referred to Dr Mike Radford of the University of Aberdeen, and I wanted to mention what he said, because he expressed clearly one of our key concerns. In commenting on the Bill, he said:

“there's the potential – but, as presently drafted, no certainty – for Ministers to be held effectively to account”.

It is that certainty that we will be looking for through debates on and amendments to the Bill. A number of noble Lords have raised concerns that we on this side of the House share: for example, my noble friend Lady Young and the noble Baronesses, Lady Fookes, Lady Jones and Lady Bakewell.

The Government say that the Bill improves on the Lisbon treaty, and it does create an animal sentience committee and requires the Government to respond to it, which creates additional accountability. But it does not place a direct duty on Ministers, entrusting instead much of the responsibility for outcomes to the committee. If this Bill is to be effective in holding Ministers to account, we need to ensure that the animal sentience committee has teeth and not just symbolic value. The UK Centre for Animal Law has called the Bill “a job



part done”, raising concerns about its proposed design. We have heard of the huge lack of detail and ambiguity on its membership, resourcing, independence, and accountability.

I ask the Minister, as others have done today: who will serve on the committee? How often will it publish reports?

Sentience is the capacity to have positive or negative experiences. The Minister said earlier that the Government have “all due regard” to an adverse effect on the welfare of animals as sentient beings, but can and should the committee reports also recommend policy that brings about positive impacts on animals as well as addressing negative impacts? How will the duty of the Secretary of State to issue a response provide the kind of governmental engagement with animal welfare concerns that is necessary?

We have heard that the Bill currently provides for Ministers to have to respond to a report within three months with a written statement. Do we feel that this is enough? Will this make a difference, or will it mean that a Minister can simply note what the committee has said and change nothing?

We will be seeking guarantees that the Government will consult on membership; that there will be an open, transparent recruitment process; that wide-ranging expertise will be ensured; and that the committee will have genuine independence and not be incorporated as a sub-committee of the Animal Welfare Committee, as we believe this could potentially damage its ability to hold the Government to account. How will the Government ensure and protect the independence of the committee so that it can fulfil its role?

There should be provision in the Bill for proper resourcing for the scale of the task. Looking at the scale of task, there is a need for the committee to have a clear mandate and duty to look at all relevant policies.

It is paramount that the committee can look at policy right across Government. The noble Lord, Lord Dodds, said that the Bill currently creates only a discretionary duty for the animal sentience committee to review whether a government policy has had appropriate regard to the welfare of sentient animals. There should be a mandate with a clear duty for a review of all policies that fall within defined criteria. Will there be a duty on government departments to co-operate with and share necessary information the committee? Is there a mechanism for departments to flag relevant policy developments?

The Better Deal for Animals Coalition is calling for the Secretary of State to create a cross-Whitehall animal sentience strategy, which would include plans for what upcoming policy is then within the scope of the ASC. This additional duty would also require the Secretary of State to report annually in person to Parliament to allow full scrutiny and an evaluation of the effectiveness and impact of the ASC.

To truly improve animal welfare, there needs to be prospective, not just retrospective, consideration of policies. The Bill allows for the ASC to produce a report on policy that “is being” or “has been” formulated or implemented, but, if we consider policy during formulation, the committee’s recommendations can be

effected and policy can be improved. Can the Minister confirm that this is being looked at as a potential in future? Will the committee be able to look at the enforcement of existing animal welfare legislation? Where it falls short, can the committee report on what action the Government should take to enhance its impact and strengthen existing weaknesses?

I will look at the scope of the Bill, particularly Clause 5, as other Members have. It defines “animal” as

“any vertebrate other than *homo sapiens*.”

We have heard about the independent review that Defra has commissioned into whether there is evidence that decapod crustaceans and cephalopods are sentient. As other Members have already asked, when will this report be available?

As noble Lords have said, there is already ample evidence to show that these animals are sentient, so we believe that the definition of “animal” should be expanded and included in the Bill. As we know, this expanded definition was agreed upon by the Scottish Animal Welfare Commission earlier this year. Furthermore, notable animal welfare organisations, such as the British Veterinary Association and the RSPCA, also recognise the sentience of decapod crustaceans and cephalopods and fully support their inclusion. Will the Government expand the definition to include these particular animals?

Animal welfare is a global concern, and ensuring the health and welfare of sentient animals is important as a marker of social progress. We welcome the Bill but urge the Minister to take serious note of our concerns and those expressed by others. We look forward to working with your Lordships’ House to make the much-needed improvements.

4.02 pm

**Lord Benyon (Con):** I am very grateful to your Lordships for insightful and constructive contributions to today’s debate. I start by agreeing with the noble Baroness, Lady Hayman, on a number of points. First, this is a matter of great public interest, and the passage of the Bill through both Houses will be followed closely not just by organisations but by the wider public. I thank the noble Baroness for her tribute to the noble Lord, Lord Trees, for his work on the preparation of the Bill, rightly pointing out that he has raised important points, some of which I hope to address now.

Many noble Lords raised issues about the scope of the Bill and what it will seek to do. The Government are trying to sail a path between creating something that is meaningful and effective and keeping Parliament as the deciding force on this, not the courts. A number of noble Lords have quite rightly raised the concerns, which I shared when I came to this brief, about the risk of judicial review—I will come on to that in a minute.

Noble Lords have taken me further back than the 200 years of animal rights legislation that I spoke about in my opening remarks. We have heard about Homer’s *Odyssey* and Copernicus, but it is undoubtedly a fact that we have been living with the concept of sentience written into European legislation, and it was in our manifesto to transpose it. There was, I concur, a

[LORD BENYON]

rather bumpy attempt to do it, and we have now brought forward something that is much more workable and relevant.

This debate has left me with a strong sense of optimism. There is a great deal of unity in purpose and belief that, as a species, we owe a duty of care to the animal kingdom. We largely agree that animals are capable of thinking and feeling and that this fact should be recognised in law. Even if our views might vary as to the finer details of how this should be achieved, we should keep this fundamental principle at the top of our minds.

I apologise if I do not get to everyone's points; I will write to those that I miss. I will do this in no particular order. My noble friend Lord Robathan is concerned about whether the animal sentience committee will differ from the current Animal Welfare Committee. The current committee advises Defra and the Governments of Wales and Scotland about particular animal welfare issues that have been remitted to it. Ministers are not required by law to respond to the points made in the expert advisory reports published by the Animal Welfare Committee. Its existence and role have no statutory duty, while the animal sentience committee will be a creature of statute.

The noble Baroness, Lady Young of Old Scone, asked about the resources, as did a number of other noble Lords. The Bill establishes the committee to consider how central government policies take account of animal sentience, and this will require it to be properly resourced. I am very happy to have more of that teased out in Committee, but at this stage we fully accept that this a point on which people are legitimately concerned, and we are determined that this committee shall work. We will produce a committee that has the necessary means to do this. However, if we fix resources, we put a limit, in effect, on what it can do. It is better to work this out as it starts to go about its business and we can gain an accurate understanding of the nature of its ambition, and then our resources will reflect its needs.

My noble friend Lady Fookes is concerned about the recommendations on improvements to animal welfare and why the Bill talks only about "adverse" effects. The committee's role will encourage policymakers to think about the positive improvements that they can make to animal welfare—not just minimising adverse effects. Its reports may include recommendations to that effect.

The noble Baroness, Lady Young, and my noble friend Lady Hodgson asked about the guidance for the committee. There will be guidance, and we expect to consult on this. We do not want to direct the committee's priorities and the work that it does because its members are the experts and we want them to decide what issues they should look at.

In addition, there are some very clever Ministers—I do not put myself among them—and officials, but very few of them are experts in this field. To the noble Lords, including my noble friend Lord Ridley, who asked why this is necessary, I say that there is a long history of expert committees advising government, and we should not be afraid of that. What matters is

what Ministers do with that advice. The committee will opine on issues, but of course Ministers will take a much broader view.

It is dangerous to use examples, but the noble and learned Lord, Lord Etherton, and others have raised the issue of religious slaughter. The committee may decide a particular point on this, but a Minister will have to take into account the wider considerations of cultural and religious organisations and form a view in accordance with that. The same can be applied to farm animals: as my noble friend Lord Robathan said, taking an animal to slaughter is not a pleasant experience for it, to say the least. However, there is a wider issue with regard to producing meat and the benefit that that brings to our environment and people in this country.

My noble friend Lord Forsyth is concerned about fishing. I have received interesting letters concerning the future and the rights and wrongs of fishing, and I share his enthusiasm for that sport. The way we harvest wild fish to eat is highly regulated, and we want to make sure that the British public have access to good quantities of healthy, sustainably produced fish. If the committee were to make a recommendation on how our trawlers operate and how wild fish are caught, or indeed, how my noble friend fishes on a river, the Minister would have to look at the wider implications.

I say to noble Lords who are concerned about other matters that there are plenty of opportunities in this House and the other place to bring in legislation, whether on dog collars, farm animals or whatever. This Bill has no effect on the democratic ability of Governments and Members of this legislature to bring legislation forward. What it does do is provide expert advice to Ministers in order to take forward a greater understanding of the measures needed to get better legislation. There has been much criticism in this debate of the standard of legislation that has come before us in other forms. This is an attempt to ensure that we are thinking about something that Governments ought to think about.

My noble friend Lord Herbert raised the issue of sentimentality, and a number of noble Lords have talked about anthropomorphising animals. A considerable amount of blame was laid at the door of Disney. We are not trying to sentimentalise here or create something that will take the debate on animals into a place it need not and should not go. We are recognising sentience in domestic law to provide reassurance that central government policy decisions have been made with all due regard to the fact that animals can experience feelings both positive and negative, such as joy and pain.

The noble Lord, Lord Dodds, talked about the jurisdiction of this matter, an issue rightly raised by a number of noble Lords. This committee will look at the reserved matters that all legislation covers, and devolved matters will be left to devolved Governments. For example, an activity undertaken by the Ministry of Defence would be a reserved matter; the decision of the committee would reflect the whole United Kingdom. It cannot talk about legislation in Northern Ireland reflecting devolved matters, and I think that is an understanding devolved Governments have accepted and taken forward.

My noble friend Lord Howard raised an important point about judicial review. I want to come back to this because it is really important. The EFRA Select Committee, in its criticism of the original attempt to legislate on this matter, was right and pointed out that it did expose risks. The purpose of the report will be to set out the committee's own views on the question of whether, or to what extent, the Government are having, or have had, all due regard to the way the policy under review might have an adverse effect on the welfare of animals as sentient beings. However, responsibility for policy decisions remains with Ministers, who must come to their own conclusions about how different relevant considerations should be weighed up and what weight should be given to them. The Government's response to a report from the committee will help explain to Parliament why the Government may have legitimately reached a different conclusion to the committee.

Alternatively, if the Government intend to review the policy decision in light of the committee's views, they can say so. If the Government's response is found to be wanting, it might be possible for someone to establish sufficient grounds to bring a judicial review, but we believe that in this situation the grounds on which that judicial review might be brought forward would present, irrespective of the committee's report. This is really important, and I urge all Members of this House who may be thinking about bringing forward amendments to consider that we want to keep the control of these issues in this House and not in the courts.

My noble friend Lady Deech made a point about experiments. The Government have no plans to change the regulatory system for the use of animals in science. The use of animals in scientific research remains a vital tool in improving our understanding of how biological systems work, both in health and disease. She is entirely right to pay tribute to the work done on bringing forward the vaccine, which we are all benefiting from.

A number of noble Lords, including the Opposition spokesman and the noble Lord, Lord Trees, wanted to know more about who the members of the animal sentience committee will be. The standard public appointment rules will apply to appointments to the committee; we intend to run a fair and open recruitment process and achieve a diversity of talent and experience that will be the key asset of the committee. I refer noble Lords to the Governance Code on Public Appointments. I am not going to go into detail now, or at any stage in this process, about what the membership of the committee should precisely contain. However, we do think there should be a broad group of experts, undoubtedly involving academia and veterinary expertise, and a number of others. My noble friend Lady McIntosh talked about farmers and I entirely agree with what she said. I hope all those involved in the raising of animals, be it on farms or in other settings, will feel that they are represented—not necessarily on the committee, but in that their views are represented.

I will finish by addressing the concerns expressed by my noble friends Lord Hannan and Lord Bellingham about the rationale of the Bill. Nowhere in UK law is

the concept of animal sentience—their capacity to have feelings and a level of conscious awareness—recognised. This Bill recognises that fundamental principle and provides a statutory basis for the welfare needs of sentient animals to be properly reflected in all government policy-making, in a reasonable and proportionate way—I emphasise “reasonable” and “proportionate”—and it is vital that, throughout the process of this Bill, we recognise that.

I am very grateful to noble Lords for a thoroughly interesting and useful debate, as a curtain-raiser for this legislation. I look forward to seeing it in Committee, with your Lordships' support, and to debating some of these points in more detail. I commend this Bill to the House and beg to move.

*Bill read a second time and committed to a Grand Committee.*

4.19 pm

*Sitting suspended.*

**Health Protection (Coronavirus,  
Restrictions) (Steps and Other Provisions)  
(England) (Amendment) (No. 2)  
Regulations 2021**  
*Motion to Approve*

5.31 pm

*Moved by Lord Bethell*

That the Regulations laid before the House on 15 June be approved.

*Instrument not yet reported by the Joint Committee on Statutory Instruments*

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, we are making excellent progress along the spring 2021 road map, and we now have one of the most open economies and societies in this part of the world. But we all want to see restrictions lifted even further, and on that I am optimistic. However, we know we cannot be complacent. As the Prime Minister set out in his address to the nation on Monday, we do need to hold at step 3 of the road map for just a little longer. This is vital. The very latest scientific data and evidence show us that we must proceed with the utmost caution. By pausing at step 3, we are seeking to protect the progress we have made on infection rates and the vaccine rollout, and to make absolutely certain that we are on a stable footing before we go further.

Unfortunately, the prevalence of the highly transmittable vaccine escapee delta variant has shifted our assessment of the risks. It is now the dominant variant across England, accounting for 90% of cases, and it is set to spread around the world. Its R number is estimated to be 60% to 80% higher than the previously most widespread alpha variant. The overall R number in England has increased and is now between 1.2 and 1.4, meaning that we are in the age of doubling times. We need to be in an age of halving times. Early evidence suggests an increased risk of hospitalisations with the delta variant compared with the alpha. This



[LORD BETHELL]

pause will bring us more time in the race between the vaccine and the virus. It will ensure that we as a nation are equipped as well as we can be to take on the virus and the delta variant.

Can I say a word about the vaccine? Increasing the number of second jabs is absolutely crucial. The data that we have at the moment suggests that the vaccines are less effective against symptomatic disease caused by the delta variant, but that protection increases after two doses. Two doses of the vaccine has now been shown to be highly effective in reducing hospitalisation from the delta variant, with the latest PHE data suggesting that this could be 96% for the Pfizer vaccine and 92% for the Oxford/AstraZeneca vaccine after the second dose.

In this time, while we pause step 3, we will deliver many more first and second vaccine doses. There are currently 1.2 million over-50s and 4.3 million over-40s who have had their first jab but have not had their second. By 19 July all those over 50 and the clinically extremely vulnerable who have had their first doses by mid-May will have had their second dose—or will have been offered it. Second doses for all over-40s will be accelerated by reducing the dosing interval from 12 weeks to eight weeks. All over-40s who received a first dose by mid-May will be offered a second dose by 19 July. All adults aged 18 and over will be offered a first dose by 19 July, two weeks earlier than planned.

I am confident that we can hit those targets, not least because our vaccination programme has made great progress. A network of vaccination sites continues to operate brilliantly across the UK; there are now more than 1,990 vaccination sites in England, with more coming on line in the days and weeks ahead. Thanks to the tremendous efforts of all those involved, more than 41.8 million people in the UK have received their first dose and 30.2 million their second. From today, all adults over 21 can book their first dose.

Vaccine supplies are robust and delivering to forecast. For the Pfizer vaccine, we expect supply in June to be 30% more than in May, and July's will be 80% more than in June. Supplies should be sustained at this level in August. So I thank everyone involved in the vaccination programme for their continued efforts to maintain this tremendous progress over the weeks ahead.

I would like to anticipate a couple of the questions that may arise in the debate ahead, and I will start with borders. A number of noble Lords have asked why, if the delta variant has changed our assessment so much, we did not act sooner, protect our borders more quickly and prevent the variant entering the country. I would say that we did act quickly to reduce the importation of the delta variant; we took the decision to add India to the red list immediately upon being advised that this lineage of variant was potentially higher risk than any other variants under investigation, and several days before the delta was considered a variant of concern. We acted quickly and with caution. The contribution of variants to the surge in cases in India was at that time unclear. We added India to the red list on 23 April, with arrivals having to quarantine for 10 days in a hotel. Before India was red listed,

everyone had to quarantine on arrival for 10 days, take a pre-departure test and two further tests on days 2 and 8 of quarantine.

The decision to add and remove countries from the red list is made by Ministers, informed by the latest scientific data and public health advice from a world-leading range of experts. As with all our coronavirus measures, we keep the red list under constant review, and our priority remains to protect the health of the UK public. However, this does not change the fact that this virus is a formidable enemy and needs to be tackled on many fronts. Border measures are important, but that does not mean that we can be complacent elsewhere. We have learned that Covid likes to take advantage of complacency, which is one reason why we each need to take individual responsibility for tackling the virus. We all need to follow the public health advice to protect the progress that we have made.

I will now move on to a topic that I know many noble Lords are interested in: singing. We are aware that singing can increase the risk of Covid-19 transmission through the spread of aerosol droplets. It is particularly dangerous indoors, where the particles can build up and, as with any activity, the cumulative effect of aerosol transmission means that the more people are involved, the higher the risk of transmission. The guidance mirrors our approach elsewhere to be more cautious indoors than outdoors and to be mindful of the impact that our actions have on other people.

Finally, can I say a word about adult social care vaccination? An extensive six-week consultation on making the vaccine a condition of employment for care home staff concluded on 26 May. It saw a fantastic level of engagement; we see a clear public health rationale for driving vaccination uptake in care homes.

So I am confident that we will be in a stronger position by 19 July. This pause at step 3 will help us reduce the number of hospitalisations and deaths and will protect the NHS. I commend these regulations to the House.

#### *Amendment to the Motion*

*Moved by Lord Robathan*

To leave out all the words after “that” and insert “this House declines to approve the Regulations laid before the House on 15 June because (1) the measures are disproportionate, and (2) no impact assessment has been prepared for them.”

**Lord Robathan (Con):** My Lords, we are told it is “one last heave”, “a teeny bit longer”, “just a little longer” and “we only rely on the data, not the dates”. “Freedom day”, which was meant to be next Monday, has now been replaced by “terminus day”, 19 July. I hope we all believe in freedom. It is no business of the Government to tell us whether we can, for instance, hug people. They can advise perhaps, but not order us. People should be free to make their own decisions and their own assessment of risk.

We have been told since this started 15 months ago so many contradictory things. I shall start at the beginning: “Stay at home, protect the NHS, save lives”.

I understand—the Minister can correct me if I am wrong—that 1% of hospital patients are now in for Covid-related issues. Are the hospitals overwhelmed? Is the NHS protected? It is not like Italy last March. On “save lives”, according to the *Times*, yesterday there were three Covid deaths. The average number of daily deaths over the past four weeks has been in single figures. We know that more than 75% of deaths are among the over-80s; we know that underlying health conditions—obesity, diabetes, respiratory problems or infections—are normally contributory factors to fatalities. The Prime Minister said that the extension to these regulations would save “thousands of lives”. I am not sure that is right.

This is a very serious and unpleasant virus that is killing people, but it is not the Black Death, the Great Plague or the Spanish flu. I ask every Peer in the Chamber or listening how many people they know—not know of, but know: friends or family—who have died of Covid. Most people will say none. I know two. One was an 89 year-old relation with severe dementia in a care home—where, by the way, he caught the virus; the second was a charming, really nice 55 year-old who had been working in the Commons tea room ever since I got there, Julia Clifford. It was a tragic death and I am so sorry. She had leukaemia, for which she was being successfully treated by the NHS with chemotherapy. Her immune system was damaged, and she caught the virus in hospital.

Other advice included, “It’s pointless to wear face masks”—we were told that until August last year. I can see some wisdom in wearing them, but we are now told that droplets of breath escape from the sides—I really do not know, but I deprecate the litter they have brought. We were told “wash your hands”—very good hygiene—and “clean surfaces”. Now a study shows—I do not know whether it is true—that one in 10,000 cases are contracted from surfaces, and many fewer than 10,000 cases were reported yesterday. Can my noble friend tell me whether that study is correct?

The Government say that “we are following the data”, but we are not; we are being spooked by the possibilities of risk. The only huge success story is vaccinations. I congratulate the Government, all those involved, Kate Bingham—who was criticised by some members of the Opposition for being, first, successful and, secondly, married to a Conservative Minister—and the Minister, Nadhim Zahawi. Is it not the case that 95% of vulnerable people—those most at risk of death or severe consequences—have now been vaccinated? So who are we protecting and from what risk?

If I might digress, mandatory testing for travellers is a completely pointless racket and hugely expensive. I went to Lisbon a couple of weeks ago. I had three tests to go on a long weekend. Two were in the UK. There was a special deal; the price was reduced by 50% to £120, but while I was away it went down to £86, so that is a huge profit for the company. As two vaccinated people, we paid a total of about £450 for tests.

We are literally mortgaging our children’s future. They will be paying off the national debt for decades. We are deliberately harming our country; this is deliberate self-harm. Even Tony Blair, with whom I disagree about

most things, says that some 6 million jobs may be lost offshore, and the data shows me that this is unnecessary. Airlines, the travel industry, hospitality—all are hugely harmed. Hotels, pubs and restaurants have closed and will never open again. The impact on education and our children’s development is horrendous, and what is it for? The data says that there was an average of fewer than 10 deaths daily post the vaccination success, but in the summer something like 1,300 people die daily in the UK, and there is an average of some 1,700 deaths each day over the year.

It gives me no pleasure to move this fatal amendment to the Motion, but I fear that the Government’s policy is foolish and harmful, and I know a great many people agree with me. The Government admit that they do not know the impact. I shall quote from page 4 of the regulations:

“No impact assessment has been prepared for these Regulations.”

The front page says that this is a

“serious and imminent threat to public health”.

Is it really, if the vulnerable have all been vaccinated? Is it proportionate to close businesses and put people out of work for very little? To repeat my noble friend Lord Hannan in the last debate, to what problem is this SI the answer? We need to live with the virus, as the Chancellor and, I think, the Prime Minister have said, and we need to live with risk. Parliament is responsible for legislation, especially of course the House of Commons, rather than here. We are being asked, as parliamentarians, to suspend our critical faculties. This measure does not deserve to be nodded through. It impacts adversely on too many lives and on our country’s future. I shall, with regret, divide the House today, in the hope that many who agree with me will wish to be counted.

5.46 pm

**Baroness Donaghy (Lab) [V]:** First, I thank the Minister for his briefing this morning, which I found extremely interesting and useful. I thought at first that I had strayed into a private seminar with the noble Lord, Lord Lilley, and the Minister, but after half an hour other people managed to get in. Having said that, the questions of the noble Lord, Lord Lilley, were very pertinent and well answered by the Minister and his officials. I also watched the debate in the other place this afternoon, so there are obviously a lot of outstanding issues.

I support these regulations with a heavy heart. I accept a lot of the things that the noble Lord, Lord Robathan, said about the impact on our economy. I want to ask, for instance, about compulsory vaccination for care home staff. Does that extend to care staff who go round various houses on the same day? If it does, what steps will the Minister take to ensure that their civil liberties are protected, that they get financial support and that the vacancy rate for care staff, which is already over 100,000, is actually tackled?

One point that came up frequently is the need to get rid of sloganising. We do not want “freedom day” or “terminus day”; we want facts and proportionality, in the way that the Minister is very good at. This sloganising does not help—it builds unrealistic expectations and diverts us from the detail.

[BARONESS DONAGHY]

Finally, there is an extraordinary thing about this fatal amendment. If I had read this letter from the Prime Minister and the Prime Minister was Keir Starmer and I was then moved to table a fatal amendment, questioning my Prime Minister when he said:

“By being cautious now we have a chance in the next four weeks to save many thousands of lives by vaccinating millions more people”;

it would be a very serious thing to try to kill off that statement. So, what is it about the Prime Minister that the noble Lord, Lord Robathan, does not think is to be trusted? I very much hope that the House will turn this down. It is not just an opportunity for a debate; this is a matter of life and death.

5.49 pm

**Lord Scriven (LD):** My Lords, here we are again, discussing emergency regulations because of incompetence and lack of speed by government. It is appalling that the Government did not take the correct decision to put India on the red travel list in early April, at the same time as Bangladesh. Yesterday, the Minister said that I should stand in his shoes about that decision. I note that, time after time, both the noble Lord and the Secretary of State gave the reason for Bangladesh but not India going on the red list as the positivity rate.

The data that I am about to read were on the Minister’s desk when the decision was made. In the two weeks leading up to Bangladesh going on the list, its positivity rate—based on the Government’s own test and trace data—was 3.7%. India’s positivity rate was 5.1%. You do not have to be a genius to work out that India’s positivity rate was higher than Bangladesh’s. Can the Minister explain why, when India had a higher positivity rate than Bangladesh, based on the Government’s own test and trace data, Bangladesh was put on the red list and India was not.

That catastrophic mistake by government meant that, rather than just under 40 seeded cases of the delta variant being in the UK on 2 April, it went up to nearly 1,000 seeded cases by the time that India was put on the red list. Public health research shows that, if India had been put on the red list at the same time as Bangladesh, it would have given four to seven weeks’ grace before we started hitting the surge levels of the delta variant that we are seeing now. That would have meant that everybody over 40 could have received a second dose—in four weeks—or everyone over 30—in seven weeks—and all adults would have had a single dose of the vaccine. The Government were driven by a date: a date for the Prime Minister to visit India to look for a trade deal. A consequence of Ministers not following the data is that trade in this country is now suppressed for four weeks. This is a disgraceful abdication of following the data and keeping our country safe. The country deserves far better than this. It is clear that the Minister and the Government made the wrong call.

We will have to live with the virus as it becomes endemic, and take measures to support this. One area where change is required is self-isolation. Evidence is overwhelming that the biggest impediment to people self-isolating, or even taking a test, is practical support and financial security for the whole period of isolation.

We do not need pilots to re-prove this; action from the Government is required now. A self-isolation system that gives individuals both the practical and financial support to isolate for the full period will be essential to minimise future local lockdowns. Despite repeated requests from these Benches to pay people their full wages, the Government will still not do so. They need to address this now and not continue to ignore the data.

5.53 pm

**Baroness Neville-Rolfe (Con):** My Lords, if anyone had told me when we first debated Covid controls that we would still be in lockdown over a year later despite, first, only 1% of hospital beds being filled by Covid patients, and, secondly, that vaccines that are between 92% and 96% effective had been given to over half the UK adult population, including the vast proportion of those most at risk, I would not have believed them. This creeping government control of daily life, aided by all opposition parties, in a country which used to be free, is depressing. There is always an excuse for new controls: pressure on the NHS; risks from new variants; long Covid. Will this ever end? Most importantly, what could be any different in four weeks’ time?

The extension is yet again a *fait accompli*, but I will make two points. First, it is extraordinary that cost-benefit is still neglected. Every week of continued lockdown is costing billions. We are crippling our economy, which is still well below last year’s levels. Debt is building up on a scale not seen since World War II. Inflation is taking off. Some 5 million are on NHS waiting lists, which will lead to unnecessary deaths. It is difficult to see your GP and visits to patients and old people’s homes are restricted, causing unhappiness. University students have had their academic careers affected and mental health problems have increased. The streets are blighted by old masks and the internet by Covid scams. There is almost no overseas travel. Furlough schemes are still running and being phased out too slowly, stopping the labour market working properly. Bars, fruit farms and even the NHS are short of staff, but billions are being spent on furlough, adding to the eye-watering £70 billion cost which the Minister mentioned yesterday.

There is an extraordinary, time-consuming bureaucratisation of life: costly social distancing; paperwork in every pub; a huge amount of time in every respectable company devoted to observing the rules. Now there are rafts of costly cancellations as well—for example, of cricket tickets, to declare a personal interest. My noble friend has always been resistant to cost-benefit analysis, which I find surprising given his esteemed business background. Is this being looked at in a broad way for the future management of pandemics?

My second point is about the misuse of emergency powers. Has the Minister read the blistering report by the Constitution Committee? I hope that that powerful paper leads to some necessary, even if tardy, reflection in government circles. When I worked in government, we took pride in helping Parliament to scrutinise, cost and help Ministers come to the right conclusions. I think that such an approach might lead to greater success.



5.56 pm

**Baroness Masham of Ilton (CB) [V]:** My Lords, public health is more important than it has ever been, apart from during the Black Death and the Spanish flu. We now have a variant that is more serious than the original coronavirus. The delta variant is relentless and sweeping across the UK. It is attacking young people who have not been vaccinated and are at risk of getting long Covid. It has also put some people who have not been vaccinated in hospital. A young student at school in Gloucestershire told me that the class above his had got the virus, and the class and teacher were isolating. Young people do not want to be spreaders. When can they be vaccinated? Is the problem that there is a shortage of the Pfizer vaccine?

I hope that the Government will think again about senior schoolchildren wearing masks. There is confusion about mask wearing. At the beginning of the coronavirus pandemic, people were told that masks were not necessary. Prevention is better than cure. I send my heartfelt condolences to all the families whose loved ones did not make it. It is a very difficult matter to have to continue with restrictions, but with the rise in infections again, I think that it is the right thing to do.

I am concerned that there are staff working in hospitals, in care homes and visiting people in their own home who have not been vaccinated and do not want to be. They could be putting patients and their colleagues at risk. Perhaps, they should not work in contact with people. Local authorities are given enforcement powers. How are these going to be enforced?

Having read the information for health protection, I am not clear on the outcomes before 19 July 2021. I would be grateful if the Minister could tell the House clearly about air travel, weddings and funerals. How many people are allowed at these functions?

5.59 pm

**Lord Winston (Lab):** My Lords, many of you will remember going past Westminster station last week to see a crowd of people shouting about freedom— young, intelligent people, many of them properly educated, not wearing masks, crowded together in a mass. Indeed, those of your Lordships who travel on the Northern line, as I have done today and all this last week, will have seen numerous young people not wearing masks, as there is no enforcement of that. They are a risk to other people, young and old. Nothing is being done about it because it is not being enforced. There is nobody on the Tube to enforce it.

I listened to the noble Lord, Lord Robathan, with great interest, as I always do. His wide and extensive knowledge of medicine and science does not need to be explained to the House, nor indeed his undoubted expertise in statistics. That is admirable. Indeed, I have listened to him with great interest in this Chamber and on the Long Table from time to time. I also recognise that he will very much understand the issue of human ethics. As a distinguished soldier, he will remember the paramount issue for all people, including soldiers: we try at all times, above all, to protect human life.

Therefore, it is important for us to consider that this is a very difficult situation. As a practising soldier, the noble Lord will know the difficult choices that are

made in order to protect life. I suggest to him that, although extensive, his knowledge is not likely to be as extensive as that of those expert advisers giving advice to the Prime Minister. I have no doubt at all that the Government have made very many mistakes, but we are not here to discuss those mistakes. They are undoubtedly riding high on the output of vaccines. They have been very lucky, and we are glad that they have been lucky because we could be very unlucky, whichever Government had been in power.

The fact is that the Government have succeeded, and it is really important, at this moment of national tension, when people are still not fully prepared to accept what is necessary to regulate us, that people respect what the Government are doing. To challenge the Government at this moment is a shocking risk. It is an ethical risk to do that because these people will be damaging lives. We see those people in the streets and I will see them on the Tube when I go home tonight. Even if I told them to wear a mask, they would be abusive at the very least and I would possibly do it at my own risk.

We have to recognise that there is a need for us to be supportive, not to undermine Parliament and this instrument. To do so would bring this measure into disrepute and bring more distrust and concern. What the Government need to do is to communicate better. I do not say to the noble Lord, Lord Bethell, that that is easy, as he knows that very well, but the communication we have all done has not been good enough. We need to find a way somehow to encourage those young people to think about their responsibilities to their parents, grandparents and other people in our community.

6.02 pm

**Baroness Walmsley (LD) [V]:** My Lords, I support the postponement of the easing of restrictions and reject the fatal amendment from the noble Lord, Lord Robathan, as daily cases have now jumped to 9,000. We need more time to continue the vaccination programme before it will be somewhat safer to ease restrictions.

However, people are still suffering economically, so can the Minister say whether the furlough scheme will be extended, as well as the ban on domestic evictions, now that the Government have extended the ban on commercial evictions? Can he also tell us about the border restriction system? New variants will arise wherever large amounts of virus circulate and some may be resistant to the current vaccines. Have the Government learned from their disastrous mistake in not red-listing India three weeks earlier, when the information indicated they should? Have the criteria been adapted to prevent such a mistake happening again?

Clearly, Covid will continue to circulate in the UK for a long time after we ease restrictions, so an effective test, trace and isolate system is as important as ever. The weak link is the isolation system. An internal Whitehall assessment, seen yesterday by the media, of the financial support for those who need to isolate gave the system a low to medium effectiveness rating. Barriers and disincentives exist, particularly for those on low incomes or in precarious work, so more needs to be done.

[BARONESS WALMSLEY]

Every time my noble friends and I have raised this over the past 15 months, the Minister has referred to the £500 grant, ignoring the fact that it is not available for most people who apply for it because they believe they really need it. I heard yesterday about a pilot scheme for increasing this support. We do not need more pilot schemes; we need immediate action. We will be living with this virus for a long time and, if nothing is done to improve isolation rates, the restrictions that the noble Lord, Lord Robathan, so abhors will have to be reintroduced in the winter.

One thing that should be done straightaway is to increase sick pay. The current sick pay rates are not enough for a mouse to live on. No wonder people go into work coughing, spluttering and spreading germs of all sorts—they cannot afford to stay at home. In the end, encouraging people to stay at home could increase the country's productivity by reducing the number of fellow workers catching transmissible infections. We need a culture change on that.

However, coughs and colds are by the by. We have not yet conquered Covid-19. The Government must use these extra few weeks well, not just to vaccinate more people but to transform the isolation rate for the better. Can the Minister therefore tell us how the Government plan to achieve this?

6.05 pm

**Lord Lilley (Con):** My Lords, as the Prime Minister and the Health Secretary have said repeatedly, we ultimately will have to learn to live with Covid. This means accepting that a tiny proportion of those who are immune, either because they are young and healthy or because they have been vaccinated, will none the less succumb to Covid in future, which will continue to circulate as the flu and other viruses do.

We have already offered the vaccine to all those who are particularly susceptible through age and health condition. That accounts for 99% of potential deaths. Some 30 million of those people have had both jabs and are as safe as they ever will be; 12 million have had the first jab so are already partly protected. We are told that the only reason for extending the regulations is to give those people time to have the second jab. Surely it would be possible to say to those 12 million people, "If you want to achieve the maximum level of protection, you should, during the remaining 10 weeks, make sure that you behave very cautiously in who you mix with and obey more restrictions than the Government are imposing upon you."

Of the remainder, a few have chosen not to be vaccinated. That is their right and their risk. They should not be able to hold the rest of us to ransom. The young and the fit face a tiny risk of fatality commensurate with other risks with which they also live and, I am told by officials, commensurate with the tiny risk of blood clots from the AstraZeneca jab. I can see no reason to extend the controls beyond 21 June. The only reason given was this business about allowing the people who have had one jab to have their second. Surely that should be left to their personal responsibility.

During the seminar this morning to which the noble Baroness, Lady Donaghy, referred, I was told that there is an additional reason: many of the 30 million people

who have had two jabs could be infected asymptotically and spread the virus. But who could they spread it to? The answer is: only people who are already vaccinated or are too young to be at serious risk. By definition, therefore, there is no reason for these regulations. I shall oppose them and possibly even vote against them via the fatal amendment.

6.08 pm

**The Earl of Clancarty (CB):** My Lords, I have no problem with the step approach that the Government have taken. For the country psychologically, it has been a very good thing that there has been a plan, even if that plan has had to be modified. Restrictions have been a necessity even if they can be fine-tuned. I do not support the amendment in the name of the noble Lord, Lord Robathan.

The problems lie in other areas, including how quickly the Government react. We cannot afford to make another mistake like we did in letting the delta variant into the country, which is the very reason for the four-week delay. I ask the Minister the same question I asked in the helpful meeting earlier today so that it can be put on the record: how carefully are the Government watching other countries? In Vietnam, for instance, where there may be a different strain of the virus, cases are rising quickly. That country is currently on the amber list.

The Minister will appreciate that, for the arts, hospitality and night-time sectors, this delay in progressing the road map will be devastating. The live events organisation LIVE estimates that 5,000 events will be cancelled and over £0.5 billion in revenue will be lost. It is essential more than ever that a government-backed insurance scheme should be put in place for both music events and indeed for commercial theatre.

I ask the Government to provide much greater transparency over the results of their Events Research Programme, whose results should be published in full. If findings can support full reopening of similar settings as in the pilot events, we need to know this as quickly as possible. Thousands of jobs and livelihoods are at stake. Despite what the Minister said earlier, I ask the Government to look again at the restrictions on amateur choirs and the most recent scientific evidence supporting some lifting of the current restrictions, such as the Costello PERFORM study, which, somewhat ironically, allowed some opening up of professional settings in the autumn. But the many amateur choirs up and down the country are not hobbies; they are organised creative activities, often led by professionals, and should be treated as such.

Although the Government are signalling that they want to wind financial support down, we should not forget that many freelancers continue to fall through the gaps in support. Some 40% of musicians have still received no financial support. Many of the 1.3 million PAYE freelancers who have received no support now for well over a year work in the creative sector, many also in digital technologies and many in small businesses. There are two things here. There is the misery these freelancers have been going through, which anyone who attended the last Gaps in Support APPG meeting will be very well aware of. But there is also the effect

this is having on the industries themselves. Highly skilled workers are being forced out of their jobs and some are leaving the country, including coders. These industries, which should be at the forefront of recovery, deserve protecting and the Government should look at this again.

**The Deputy Speaker (Baroness Garden of Frognal) (LD):** The noble Lord, Lord Hunt of Kings Heath, has withdrawn, so I call the noble Viscount, Lord Trenchard.

6.12 pm

**Viscount Trenchard (Con):** My Lords, I thank my noble friend for introducing this debate today and declare my music festival interest as stated in the register.

Can my noble friend tell your Lordships' House what the Government are doing to correct the appallingly low take-up of vaccinations in some areas of London such as Tower Hamlets, where only 24% of adults have had a single dose and only 49% both doses? Indeed, in London as a whole, 20% fewer adults have had either one or two doses compared with the country at large.

Along with millions of other citizens, I could understand the logic of the Government's original decision to introduce lockdown measures to protect the NHS from being overwhelmed, in spite of the successful rushed construction of the Nightingale hospitals, which much reduced the likelihood of that happening. There was and is a balance between protecting people from serious illness and death from the disease and avoiding serious damage to the economy and peoples' livelihoods. Whether or not the Government have always got that balance right since the onset of the pandemic, I sincerely think that the decision to extend further restrictions is not justified, and I will support my noble friend Lord Robathan if he should decide to divide the House. I do not believe there is any real possibility of the NHS being overwhelmed by this new spike in the Indian, or delta, variant.

The information presented at the Downing Street press conference was selective and misleading. It purported to show that hospitalisations are now rising following the surge in infections. However, examination of the data on the number of patients in hospital as opposed to the number of admissions to hospital gives a rather different picture. The number of in-patients with Covid is flatlining, because most of those admitted to hospital are not seriously ill and are discharged after a much shorter period than was the case in previous waves. Is it not now unreasonable to argue that the NHS is anywhere near being at risk of being overwhelmed?

The damage to the economy and particularly to the entertainment and creative sectors is now more serious. The Government have helped many businesses survive until now, through various schemes including the Culture Recovery Fund. However, there are many among those whose survival they have assisted that are now between a rock and a very hard place. For example, music festivals scheduled for dates after 21 June but before 19 July have no alternative now but to cancel. Those scheduled for later dates must make a judgment as to whether to go ahead without insurance—a substantial risk, as they have to incur irrecoverable expenses to make necessary preparations. Can my noble friend tell

the House if the Government will, at last, put in place a suitable insurance scheme, which is so desperately needed? On that point, I agree with the noble Earl, Lord Clancarty.

**The Deputy Speaker (Baroness Garden of Frognal) (LD):** The noble Baroness, Lady Andrews, has withdrawn, so I call the noble Lord, Lord Blencathra.

6.15 pm

**Lord Blencathra (Con) [V]:** My Lords, I reluctantly support this extension for the reasons my noble friend the Minister has given. Personally, I would have taken the risk since, although the number of cases is rising, deaths are not. There is no danger of the NHS being overwhelmed and, in any case, I always thought the NHS was there to save us, not the other way round.

But I am afraid the Government had to do this or else they would have been accused of not following the scientific advice and we would have yet more rent-a-quote professors from SAGE, NERVTAG or whatever these groups are called popping up in the media, spouting about catastrophe. Like my right honourable friend Michael Gove, I am heartily sick of scientists now. From even the first press conference way back last March, as soon as Vallance or Whitty sat down, the media—both TV and press—produced a professor from SAGE who contradicted them and said it was too slow or too fast, or few would die or half a million would die. Will my noble friend not insist on collective responsibility from these advisory organisations and sack those who do not accept it? They are frightening the public unnecessarily with their one-off, individualistic views.

I must congratulate the Government again on their masterful handling of the vaccination programme. The NHS gets the credit for sticking needles in arms, but there would be no needles or vaccinations to stick in arms if the PM had not given Kate Bingham the instruction to save lives, and she pulled together a fantastic private enterprise team to do just that. Then we had the brilliant decision of the Secretary of State for Health to tell Oxford to go with AstraZeneca. AstraZeneca deserves our everlasting praise and thanks.

Look at the top 20 countries in the world for percentage of population vaccinated; nine of them are the United Kingdom and our overseas territories. Look at the countries that have done the most injections overall; we are in the top three. Therefore, in terms of population vaccinated and sheer numbers, we are the first in the world and I congratulate my noble friend and all Ministers on that magnificent achievement.

I was pleased to read today that the Government will make it compulsory for care home staff to be vaccinated—and about time too—but what about NHS staff? It is utterly unacceptable for there to be refuseniks among NHS staff. That should be a gross misconduct offence, leading to a final written warning and dismissal. Why should patients who have followed the rules and had their vaccinations be put at risk going into an NHS hospital and brushing shoulders with staff who refuse to be vaccinated?



[LORD BLENCATHRA]

Finally, I hope the whole country will not be stuck in lockdown again because some areas or groups of people refuse to be vaccinated. If people in London or Bolton do not want vaccinations, tough luck on them, but the rest of the country should not suffer because of their stupidity. They should be at the end of the queue for hospital treatment, behind people who have had their vaccinations but require other essential medical care.

6.18 pm

**Baroness Gardner of Parkes (Con) [V]:** My Lords, I refer to the register of interests to the extent that any are relevant to this debate. I know that many were disappointed when the Prime Minister announced on Monday evening that he would not be lifting all the coronavirus restrictions next week but instead leaving them in place until at least 19 July. I do not demur from that decision, as it is important that the Government look at the data and the vaccination figures to help them decide. Given the speed at which the delta variant spreads and the achievement with vaccinations, it was a wise step. Clearly, as much notice in advance would have helped, so perhaps this can be borne in mind, as many businesses need more than a week's notice to gear up to open.

I will speak on two aspects. The first is that many of the Government's protections were due to expire in June. Given this delay, can these now be extended until 19 July—for example, business rates relief—particularly since businesses will not be getting the income from trade?

The second is how we can increase the take-up of vaccines. In my daughter's central London borough, Kensington and Chelsea, the take-up of vaccines is merely 48%, compared with a national average of 78%. What more can the Government do to increase take-up, as it affects more than just the individual concerned?

6.20 pm

**Lord Campbell-Savours (Lab) [V]:** My Lords, yesterday, in a perhaps intemperate intervention, I expressed frustration over the Government's vaccine manufacturing strategy. However, the Minister's response—characteristically frank and generous—left me both alarmed and even more concerned. The noble Lord, Lord Bethell, said that

“we make hardly any vaccine at all. It is not for us as a nation to manufacture the vaccine. Where we have contributed is, first, through the science—particularly the AstraZeneca vaccine—and, secondly, through global leadership.”—[*Official Report*, 15/6/21; col. 1785.]

I profoundly disagree with this strategy.

In February last year I challenged the policy on mask supply, and I now challenge the strategy on vaccine supply. I am using this SI as a peg on which to hang my case. WHO stats indicate vaccination rates of less than 5% across much of the globe. The world is becoming increasingly reliant on China, with its hugely expanding export programme, for vaccine supplies.

India, with a vaccination rate of perhaps 6%, is struggling to deal with its own Covid crisis. Covishield, under licence from AstraZeneca, Covaxin, under licence from Bharat Biotech, and potentially Sputnik are all

needed to deal with the Indian crisis—there are a third of a million deaths already, and Indian vaccines are now subject to an indefinite export ban.

Therein lies the problem. Diverse vaccine ingredient supply arrangements cannot be relied on at a time when world demand is soaring. We need to ramp up our own ingredient and wider vaccine production capacity. The current vaccine shortages are an alarm call. A policy based on fortress Britain scouring the world in the future for precious ingredient supplies has huge implications for foreign policy, stability both at home and abroad, and the third world.

The answer is for the UK to change course and follow a more adventurous strategy. We should lead the world in vaccine supply with a manifold, substantial increase in full-spectrum-of-ingredients vaccine production capacity, here at home. We would win the respect of the world if we were to follow that course.

We need to listen to Gordon Brown when he stated last weekend:

“At least 11bn vaccine doses are needed to guarantee all countries the same levels of anti-Covid protection as the west. Without that ... the disease will continue to spread, mutate”.

I hope we are all listening to those very wise words.

6.23 pm

**Lord Cormack (Con):** My Lords, the best news of today is the letter from the Lord Speaker indicating that we will go back to normal on 6 September, debates will take place on the Floor of this House and we will not vote from our beds in the south of France.

I associate myself to a large degree with the remarks of my noble friend Lord Blencathra. I will not oppose the Government today for two main reasons. First, the vaccine programme has been an outstanding, unmitigated success, and we must all be grateful for that.

Secondly, on a more personal note, I have been badgering my noble friend on the Front Bench month after month for the announcement that he gave this evening about care workers in care homes and compulsory vaccination. Of course my noble friend Lord Blencathra is right about the NHS, but I implore the Minister to speed the process up. We really must make sure that the most vulnerable are not at risk from those who cater for their most intimate needs.

I also say to my noble friend, who has tried to be helpful, but was not actually terribly helpful on the singing issue—and I associate myself very much with the remarks of the noble Earl, Lord Clancarty, and my noble friend Lord Trenchard—that there has been a devastating impact on the creative music industry.

Throughout this period, there has been a lack of clarity and consistency in the messages that have come from on high. I attribute this to the fact that Parliament has not been as respected as it should have been. It was, frankly, a disgrace that the Prime Minister made his announcement to Daphne from Dewsbury in the press corps on Monday evening, when he should have been taking questions from the Member of Parliament for Dewsbury instead.

It really is crucial that we have a Government who respect Parliament. The great thing about 6 September is that after then, they will be more answerable to Parliament. We will be able to intervene on Ministers.

We will be able to hold them properly to account. That is essential, because we have lost a lot during this pandemic, and the greatest loss of all could prove to be an erosion of parliamentary sovereignty. We must always make sure that we are here in great numbers from September, debating in this Chamber and in our committees and holding the Government properly to account, so that as we continue to battle this scourge—and we will—we defeat it.

6.27 pm

**Lord Lansley (Con) [V]:** My Lords, speaking from Cambridgeshire, like my noble friends Lord Cormack and Lord Blencathra I intend to support the Government's regulations, but I do so with significant reservations. When we discussed the previous iteration of these regulations, I think my noble friend the Minister and I agreed that the time was fast approaching when we should move from legislation and enforcement to guidance. I think that moment is now very close.

Why have the Government decided to defer the date from 21 June? Looking at the four tests, it seems to me that they can have taken the decision only on the fourth; that is, if noble Lords recall, whether variants of concern have “fundamentally changed” their risk assessment. I do not think the data supports a fundamental change in the risk assessment, but Ministers quite understandably do not yet know why, for example, a Public Health Scotland study found that hospitalisations were at twice the levels of the alpha variant. I think they want to know why this is the case.

The observation from my noble friend the Minister that 1.2 million people over 50 or clinically extremely vulnerable have yet to receive their second vaccine dose is relevant but, at 175,000 second doses a day at present, there is no reason why in the week ahead—or a fortnight at most—those requiring a second dose who are most at risk should not all receive it.

This fortnight is about finding out whether the delta variant is a variant of concern or a variant of high consequence. It has not been designated as such by the WHO, the CDC or anyone else yet. It would be so designated only if it substantially reduced the effectiveness of vaccines against it. I do not think that has yet been proven, and I hope that Ministers will look at the data literally daily and, if it is obvious that the vaccine doses are effective against the delta variant, intervene and lift the remaining legal restrictions while keeping in place so many of the social distancing and other precautionary measures we should all take as matters of individual responsibility.

6.30 pm

**Baroness Brinton (LD) [V]:** My Lords, I declare my interest as a vice-president of the Local Government Association. I join in the thanks for the Minister's briefings to Peers, which are helpful in the ever-changing landscape of the Covid pandemic. These Benches are pleased that we are debating these two SIs prior to them being enacted. We warned weeks ago that renewal was almost inevitable given the way that the delta variant had seeded so quickly and case numbers were increasing steeply, as they still are.

It is obvious that the delta variant is much more transmissible than the previous dominant variants. PHE has said today that the variant may have an R number as high as seven without measures. It is clear that we are at the start of a further major surge in infection and to do anything other than renew these regulations now would be a major mistake. This time last year, when the first lockdown restrictions were lifted, the daily case rate was below 1,000. Two weeks ago, it had crept up to more than 3,000. Today's rate is a shocking 9,000. The delta variant is spreading fast, hospital admissions are increasing and in the north-west ITU beds have also increased, so my first question to the Minister is: if in two to three weeks' time the data shows that restrictions need to continue, will he guarantee that further renewal of these SIs will be before they are brought into effect and before we go into recess?

This afternoon, it has been announced that business evictions will now be stayed until March next year. That is something, but on its own it is not enough. Why are residential evictions proceeding? For those struggling to find alternative housing, this is a real crisis. I am afraid it also sums up this Government's attitude. They will help business tenants, but not individuals who are likely to end up homeless. Can the Minister explain why other government support for people and businesses is not being extended? The furlough scheme rates are about to reduce on 1 July and it will be abolished in September, despite hospitality not being able to open up fully, the creative sector still not being able to work and all workers still being advised to work from home if at all possible. Other support for businesses also remains firmly locked on the “freedom day” of 21 June, which is now clearly anything but.

I echo the points made by my noble friend Lord Scriven on the Government's delay in putting India on the red list. There is only one reason why we are having to extend these regulations: the Prime Minister's trip to India.

The Speaker of the House of Commons made it plain on Monday that the Prime Minister and his Government should not make announcements to the press first, yet today our papers are full of news that Ministers plan legislation to force social care home staff to have vaccinations. When will this be announced in Parliament? Given that the leaks seem to cover a lot that was not part of the original consultation, will the Minister answer the following questions? Will the scheme cover just care home staff? There are mutters about the wider social sector, so will it include supported living staff, staff in sheltered accommodation and staff at residential boarding schools for pupils with medical or learning disabilities? If not, what are the differences?

What will the Government do to assist the sector? Many small care providers took legal advice about whether, if they could not redeploy unvaccinated staff elsewhere, they would be liable to be sued by any staff who are sacked on Government orders. Only the Government can help to answer that. What will be the effect of this proposal on the social care workforce? Care providers are currently reporting that staff are leaving to go to work in the hospitality sector, where substantial pay increases are being offered as restrictions are lifted.

[BARONESS BRINTON]

Agriculture is also short of workers and is reported to be offering £20 an hour, which social care just cannot match. Will all agency staff have to be vaccinated too? What is the timescale to introduce this?

I support the call of my noble friend Lady Walmsley for proper funding for those who have to self-isolate. From these Benches, we continue to ask repeatedly for wages to be paid and, as a last resort, sick pay to be increased to a sensible level. That will increase the numbers of people self-isolating.

Overall, the proposed measures are sensible and continue part of the process of enabling local, rapid response on the ground, run by directors of public health, local authorities and local resilience forums, without the need to constantly return to central government. This process needs to include more powers over protective measures to be taken in schools, so that locally they do not need to ask the DfE for permission. With the delta variant growing in schools, rapid action needs to be taken.

To the noble Lord, Lord Robathan, I say that the tripling of cases in a fortnight, and hospitals in surge areas seeing an increase in patients—even if not as severe—are preventing our NHS from being able to tackle the backlog of urgent cases, including cancer and other serious and life-changing illnesses. I have known three people who have died of Covid—but, much more worryingly, a young family friend in her 30s has been diagnosed with terminal cancer, which was missed because of a missed smear test last year. We have to have an NHS that can operate and look after the whole population and is not just trying to catch up with Covid.

One thing is evident: with the delta variant, we are going to have to learn to live with Covid and its restrictions, whether on mask wearing or ventilation inside. At times like this, we must continue the current arrangements in some form while the variant can be seen to be working its way round to those who are still vulnerable. If we do not manage these restrictions well, we will find ourselves back in a much more stringent lockdown, which not one of us wants. We must continue to take these precautions to keep ourselves safe. We must continue to test, trace and isolate to keep everyone safe. That is why, from these Benches, we cannot support the fatal Motion of the noble Lord, Lord Robathan.

6.37 pm

**Baroness Thornton (Lab):** My Lords, as we discussed yesterday when we took the Statement about the delay in actioning the road map, the Prime Minister is responsible for the position we are in. He was too slow to protect the country's borders and too indecisive to take tough decisions. This left the country exposed and allowed a new variant from overseas to take hold. The Minister waxed lyrical yesterday about how much work is being done to keep our borders safe, but the truth is that his Government failed to protect us. Because the British people did their bit by supporting the vaccine programme and getting vaccinated, in effect our Prime Minister is squandering our vaccine. That is the danger of what has happened.

I do not intend to repeat the questions I asked yesterday about why and how the delta variant arrived and thrived in the UK, because other noble Lords have asked them already. We on these Benches understand that cases and hospitalisations are rising and the delta variant is more transmissible; we therefore understand why these regulations are necessary. Even with the current restrictions in place, the daily total of positive tests is rising: the seven-day rolling average is over 7,000 new cases a day. Cases are doubling every seven to 14 days and the delta variant is dominant in the UK.

Although hospitalisations remain low, they are now rising—particularly in the north-west, but other regions are beginning to follow. Early public health data from England and Scotland points to an increased risk of hospitalisation 2.3 times higher than for those infected by the alpha variant. So we support these regulations and will be voting against the amendment of the noble Lord, Lord Robathan.

I would like to turn to weddings; let us look at something joyful. These regulations leave thousands of couples, businesses and employees with uncertainty that could and should have been avoided. Under the regulations, the 30-person cap on wedding ceremonies and receptions has been removed. Speeches, cake cutting and the newlyweds' first dance are permitted—but cash donations, dancing outdoors and hymn singing in church are advised against. Indoor dancing on dancefloors, standing drinks receptions and buffets remain banned.

This Government are of course fond of tiers and traffic-light lists but do not seem to have learned anything from the previous confusion that they have sown by issuing advice that contradicts the letter of the law. Indeed, the amber list of wedding activities that are merely advised against but not explicitly banned will surely be viewed by many as a legal loophole, just as holidaymakers travelled to and from amber-listed countries, despite being advised not to do so.

The banned list is less confusing, but it is unclear who is responsible for ensuring that the rules are enforced: is it the happy couple or the venue? Will the DJ be expected to cut the music if someone starts to sway in time to the beat? What happens if these rules are broken? Many noble Lords flagged up this inconsistency yesterday.

Having said that, the ratio of cases to hospitalisations remains the key uncertainty. Keeping restrictions in place allows more data to be gathered on the delta variant before fully unlocking, as the noble Lord, Lord Lansley, and several others have said.

As the Minister said, vaccination is the key over the next four weeks. Does he believe that we have the vaccine supplies needed to vaccinate everyone to the timetable that he has set out, and what steps will he be taking to increase the speed of vaccinations over the coming weeks? Cases of the delta variant have been found in this country for two months, and yet, in some areas, surge testing and vaccination are yet to be implemented. Does the Minister believe that it is the failure to introduce mitigating measures early that has led to the delay to the easing of lockdown restrictions we are discussing today? We learned from the media today



that there may be a shortage of the Pfizer vaccine. Is this the case, and what effect will that have on the drive to vaccinate young people in England?

Why, when we are 15 months into the pandemic, have the Government failed to take meaningful action to help businesses, schools and leisure facilities improve ventilation, when this is an airborne virus? I suggest to the Minister that we need a ventilation strategy.

The issue around care homes has been covered—but when is this likely to happen? This is a significant change and not an uncomplicated one. Will there be time for a proper debate in Parliament before it is implemented?

Leading on from that, I hope that, in a month's time, we will be in a different place from now. I also hope that this is the last time that the House will have to discuss regulations that have such far-reaching consequences for our citizens without proper accountability and due process. I accept that this is a few days before the regulations are implemented. Surely, it is time to stop using emergency powers for matters that are clearly not actually an emergency and of which we have prior notice.

Yesterday, the Cabinet Office Minister Michael Gove said that he thought partial working from home would become permanent for some people as restrictions were lifted. The Minister needs to confirm how that will happen and whether guidance will stay in place for the long haul as part of a raft of measures being considered by the Government for life after Covid? For example, there have been reports that Perspex screens are ineffective in sufficiently stopping transmission of the disease, despite businesses having invested in them. I would like to know that the ones we sit behind in our Committee Room are indeed safe.

Finally, we on these Benches yet again do not agree with the noble Lord, Lord Robathan. My noble friends Lady Donaghy and Lord Winston raised pertinent questions of ethics and judgment. We will vote against his amendment to the Motion if he calls a Division.

6.43 pm

**Lord Bethell (Con):** My Lords, this delay comes with huge regret—no one likes to see step 4 delayed in this way. I start by acknowledging that it will have an impact on many people's lives. We have talked a lot in this Chamber about singing. I do not think that it is necessarily the biggest impact, but it is iconic and important. I am disappointed that I have not been able to satisfy my noble friend with my comments on it. I have the guidance on singing here, and I make it clear that the Government are not banning singing or dancing. We know that people want to get back to normal activities, but they need to acknowledge that singing and dancing can increase the risk of catching and passing on the virus. We know that singing is risky; that is proven. Covid can spread from person to person through small droplets in aerosols, and singing increases the risk of transmission through these. It is particularly dangerous indoors.

I return to the question of singing because I want to convey a sense of the science basis on which we have made these decisions and because of the importance we put on individual responsibility. We advise on

amateur singers, sports matches, bars and restaurants and audience participation—I should be glad to share with the House a copy of this advice—we allow outdoor singing for amateur singers, audience participation and at sports matches, and professional choirs and singers are permitted to rehearse and perform in any number. That is a way of trying to say that a huge amount of consideration has gone into the practical impact of this advice and these guidelines, and where we have made tough decisions, it has been done with consideration.

I can give some good news to the noble Baroness, Lady Thornton. BEIS estimates that there will be 50,000 weddings in the four weeks from 21 June. To give the Chamber a sense of scale, assuming an average reception size of 50 people, that means that 2.5 million people will be able to go to a wedding this summer, and I know that that will be a huge relief to many of them.

I shall take a moment, a long moment, to address my noble friend Lord Lilley's point seriously, because it is an important one. I agree with him wholeheartedly that we will learn to live with Covid, with some people catching the disease and, sadly, a very small number of them succumbing to it. The nation will need to commit to public health measures to fight new variants and outbreaks, as we have done through history. But let me address his strongly held view that we are today ready to unlock.

Yes, the vaccine programme is going well—and I can confirm to the noble Baroness, Lady Thornton, that the supplies are in place to commit to the programme as advertised—but the supply is still limited only to the supplies we have booked, so we need another month to offer it to everyone. Despite the effect of the vaccine on infection, transmission, serious disease and death, to which my noble friend referred in his very persuasive speech, infection rates are rising, and they are rising dramatically. The noble Baroness, Lady Brinton, put the statistics extremely well. The doubling rate in many LAs is just six days. The infection rate in schools is bubbling up. Outbreaks in social care are becoming regular.

We have been here before. To give your Lordships a specific example, in a city such as London, which has a relatively young population, there is a huge reservoir of potential novel, unvaccinated people, so we are just not quite out of this yet. Even if the vaccine does prevent severe disease, I remind noble Lords that there are more than a million—nearer 2 million—people who are immunosuppressed for one reason or another and for whom the vaccine does not offer a way out at all.

I also remind my noble friend Lord Lilley that if the infection were to be rife, even if the consequences were not disease and severe illness, it would not be consequence-free. We do not know the incidence of long Covid, but we do know that many of the people who have long Covid are completely asymptomatic, and we know that high rates of infection increase the conditions of mutation. That is what happened in Kent, to very grave effect, in September. So I say to my noble friend that I think this delay is necessary; it is right.

[LORD BETHELL]

I remind the noble Lord, Lord Scriven, that red-listing is not decided by some simple algorithmic relationship to infection rates. Red-listing is used principally to keep out variants of concern. During the period that he talked about, we were understandably focused on the South African variant, and it was the South African variant that was rife in Pakistan and Bangladesh and that led us to red-list those two countries. We did not have a copy of delta. We did not have the necessary sequencing data. The WHO had not attributed it as being a VOC. Let us look at what actually happened. The delta variant became a variant of concern on 7 May 2021. By this point, India had already been on the UK red list for a full two weeks.

I absolutely sympathise with the difficulties faced by individuals, families and businesses which my noble friend Lord Robathan reflected on. On his specific point, which was also raised by my noble friend Lady Neville-Rolfe, an impact assessment was not published for this instrument because it is a temporary measure extending the steps regulations for only a short period. But I completely understand their point, and I reassure them both that in making these decisions, we continually assess the economic and societal impact of restrictions, balancing these with risks to public health.

On my noble friend's substantive point, I am always grateful for the challenge he brings. Over the last 18 months, he has expressed his scepticism. He is sceptical about the effectiveness of lockdowns. On both 9 October and 12 November, he questioned whether additional restrictions in Leicester were having any impact at all, yet we know that lockdowns work. In Leicester, we managed to reduce the daily incidence rate from 135 cases per 100,000 on 28 June to 25.3 cases per 100,000 on 3 September.

My noble friend is sceptical about the accuracy of tests. On 6 October, he claimed that a high proportion of tests bring back false positives, yet after 193 million Covid tests, we know that this is not true. Independent confirmatory testing of positive samples indicates a test specificity that exceeds 99.3%, meaning that the false positive rate is less than 1%.

My noble friend has been sceptical about the rate of deaths from Covid here in the UK, and he is sceptical that the Covid death rate is a cause for concern. On 24 July last year, he questioned whether the death rate was really that bad. On 23 September, he told us that the death rate is still

“only between 1% and 2% of the average daily death rate in this country.”—[*Official Report*, 23/9/20; col. 1889.]

My noble friend is sceptical that the NHS capacity has ever been at risk. On 29 July last year, he said that hospitals were “not particularly full” and that they had not been “swamped”.

My noble friend is sceptical that world leaders are right to consider and worry about this pandemic so much. In May 2020, he said:

“According to the figures, perhaps 316,000 deaths around the world so far have been linked to CV-19. This is awful—every one is tragic—but it is not callous to point out that some 60 million people will die anyway around the world this year.”—[*Official Report*, 18/5/20; col. 949.]

My noble friend is sceptical about the Government's whole response to the pandemic. I remember that he told the House:

“A huge number of people, including me, are concerned that we will overreact—although the Minister has said that we will not—and cause panic in the country, where panic should not be seen.”—[*Official Report*, 3/3/20; col. 521.]

He said that in March 2020, and I did not agree with him then. With 128,000 deaths in the UK and around 4 million deaths around the world, with a million people in the UK reporting long Covid symptoms, and with the rise of this nasty, highly transmissible, vaccine-evading new variant which seems set to spread around the world, I do not agree with him now.

I do not believe in doing nothing in the face of the evidence. I do not believe in leaving the elderly and vulnerable to fend for themselves or hoping that the virus will somehow blow itself out. I do not expect the economy to rock and roll even as the death toll rises and public confidence collapses. We are prepared to take tough decisions to save lives, protect the NHS and get us out of this awful pandemic, and we will continue to do so. For that reason, I ask my noble friend to withdraw his amendment. I beg to move.

6.53 pm

**Lord Robathan (Con):** My Lords, by his last rant my noble friend Lord Bethell really knows how not to get me to withdraw an amendment. I point out that, yes 127,000 people have died from or with Covid, at the same time as somewhere between 700,000 and 800,000 people have died altogether. Of those 127,000 people—and they are all tragic—three-quarters have been over 80. I am older than him—let me tell him: mortality is on the horizon.

I thank the noble Lord, Lord Winston, very much for the advice on military tactics. I always thought it was about judgment, risks and balancing risks. I agree with Clemenceau who said that war is too important to be left to the generals. In this case, this crisis is too important to be left to Neil Ferguson and his risk-averse colleagues. We are asked to suspend our critical faculties and called to make a judgment as parliamentarians on the evidence. I am sceptical, as the noble Lord, Lord Bethell, said.

It is the responsibility of the other place to determine this policy, notwithstanding what has not been good treatment by the Prime Minister. I have found this debate and the feel of this House rather disappointing and pusillanimous. As far as possible, I have taken the mood of the House; it is pretty difficult at the moment. I am very happy to go over the top at any time to certain defeat, to continue the military analogy of the noble Lord, Lord Winston, but on this occasion—withstanding the support of various colleagues who have urged me to force a Division—I can see that certain defeat is going to be rather overwhelming, so I beg leave to withdraw the amendment.

*Amendment withdrawn.*

*Motion agreed.*

**Health Protection (Coronavirus,  
Restrictions) (Steps and Other Provisions)  
(England) (Amendment) Regulations 2021**

*Motion to Approve*

6.55 pm

*Moved by Lord Bethell*

That the Regulations laid before the House on  
17 May be approved.

*Relevant document: 3rd Report from the Secondary  
Legislation Scrutiny Committee. Considered in Grand  
Committee on 7 June. Instrument not yet reported by  
the Joint Committee on Statutory Instruments.*

*Motion agreed.*

*House adjourned at 6.56 pm.*



