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HOUSE OF LORDS

OFFICIAL REPORT

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Abbreviation	Party/Group
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
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Friday 1 April 2022

10 am

Prayers—read by the Lord Bishop of Worcester.

Ukraine: Rape as a Weapon of War

Commons Urgent Question

The following Answer to an Urgent Question was given in the House of Commons on Thursday 31 March.

“On 24 February, Russia launched a premeditated and wholly unprovoked invasion into Ukraine. Since then, we have been horrified by reports of rape and sexual violence committed by Russian armed forces in Ukraine. We have been clear that Russia’s barbaric acts must be investigated and those responsible held to account. Let us be clear: indiscriminate attacks against innocent civilians amount to war crimes for which the Putin regime must be held accountable.

That is why the Government worked with partners to refer the situation in Ukraine to the International Criminal Court, to establish a commission of inquiry through the UN Human Rights Council with the support of Ukraine and to establish an Organisation for Security and Co-operation in Europe mission of experts. We brought allies together to expedite an ICC investigation into the situation in Ukraine through state party referral. With 37 countries joining the UK, it was the largest referral in the ICC’s history. The international community is isolating Putin on the world stage.

It is vital that the ICC is able to carry out that investigation, which is why the UK will provide military, policing and financial support to help to uncover evidence of such crimes and ultimately seek justice. On 24 March, we announced an additional £1 million of funding for the ICC to help to uncover evidence of war crimes and we are providing UK experts to support the investigation.

Sadly, rape in war is not new. Before the war started in Ukraine, the Foreign Secretary committed the UK to do more to tackle sexual violence in conflict, including, but not limited to, its use as a method of warfare. We are working with countries and international partners to strengthen the international response. All options are on the table, including a new international convention that would help to hold perpetrators to account.

The UK continues to act decisively with its allies to punish the Putin regime for its unprovoked aggression against Ukraine and we will do all we can to bring the perpetrators of war crimes, including sexual violence, to justice.”

10.05 am

Lord Collins of Highbury (Lab): My Lords, it is nearly 22 years ago that the UN adopted Resolution 1325, the first legal document from the Security Council that required parties in a conflict to prevent violations of women’s rights, to support women’s participation in peace negotiations and in post-conflict reconstruction

and to protect women and girls from wartime sexual violence. Despite this, we have continued to see sexual violence in Tigray, in Myanmar, in Iraq and now in Ukraine.

I have two questions for the Minister. Vicky Ford was specifically asked yesterday to confirm whether we had deployed our PSVI team to support survivors and victims of sexual violence into Ukraine or the surrounding areas. While detailing support for evidence-gathering efforts, she did not respond specifically on the deployment of the team to support survivors. I hope that the Minister will address that specific issue. Secondly, how are we pursuing more generally with our allies and the Security Council adherence to the principles of Resolution 1325 in Ukraine?

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

My Lords, I thank the noble Lord for his question. I put on record my strong recognition of his support for this important government initiative. In answer to his first question, I have visited the region quite deliberately with a broader mandate to look at the humanitarian situation but also at the increasing number of reports that are coming out of conflict-related sexual violence. We have a specialist team. We have deployed humanitarian teams specifically in the first instance. We have also provided health teams who are making health assessments, including of those people leaving Ukraine who are sharing their insights, particularly those who may have fallen victim to sexual violence.

The other element is about gathering information. With regard to the situation in Ukraine, we have not entered Ukraine with those specific teams because of the situation on the ground. I know that the ICC prosecutor, Karim Khan, has visited and, as I have said previously, we are working closely with him. I am chairing a session in New York during our presidency in the second week of April on this specific issue and will meet key partners about the co-ordination of our efforts and ultimately ensuring, as I know all noble Lords want to ensure, that all perpetrators are held to account. We welcome the opening of this specific inquiry by the prosecutor and we are fully supporting, financially and technically, that investigation.

Baroness Anelay of St Johns (Con): My Lords, my noble friend referred to the UN Security Council, where we take the chair as president today. I understand that last night our ambassador there briefed the president of the General Assembly about the nature of the special events that we will hold during the month of April. My noble friend referred to the fact that he is attending a meeting there. Can he, as the Prime Minister’s well-respected special representative for the preventing sexual violence in conflict initiative, give the undertaking that one of the special events held during April will be specifically to draw attention to the sexual war crimes that are being committed daily by Russian troops in Ukraine and that we will do our utmost to ensure that Russia does not follow its normal role at the Security Council of trying to persuade others to abstain or vote against what are essential resolutions?

Lord Ahmad of Wimbledon (Con): I assure my noble friend, who was a distinguished holder of this important role, that the session that I am chairing will look specifically at issues of conflict-related sexual violence in areas of conflict around the world, including Ukraine. I will also be meeting the Ukrainian ambassador and other senior figures within the UN framework to ensure that the prioritisation we give to this issue in the context of Ukraine is clearly understood. My noble friend will know all too well, as do I, about the frustrations with Russia on the Security Council, but nevertheless we are investing directly in bilateral engagement with our partners on the Security Council.

Baroness Hussein-Ece (LD): My Lords, everyone in your Lordships' House will feel revulsion at the news coming out of Ukraine that sexual violence and rape are yet again being used as a weapon of war. This is not unusual; it has been happening for decades, if not centuries. However, from our recent experience in the Balkans, we in the United Kingdom have experience of assisting with making sure that evidence is properly documented and collated in order that, in this instance, the perpetrators in Putin's army are held accountable and face justice. What is being done to make sure that evidence is properly gathered and collated so that it goes to an international court when the time is right? What support is being given to women? Are we in touch with human rights and other organisations on the ground to assist women to ensure that their stories are heard and they are getting the appropriate and necessary support?

Lord Ahmad of Wimbledon (Con): My Lords, on the noble Baroness's second question, the answer is yes, but that is being stepped up. Anyone who has sat down with a survivor of sexual violence knows that in many instances it takes time for them even to share their horrific experiences. Our health teams are on the ground working with near neighbours—including Poland, where I visited—to ensure that there is a consistent and co-ordinated approach, particularly to those who have been the victims of such abhorrent actions. Equally, on the issue of collecting evidence, the noble Baroness may be aware that we are working directly with Nadia Murad on the intended Murad code, which has been launched and shared with partners. We are working with the ICC and other partners on the parameters of the code, which ensures a specific way of collecting evidence that is both sensitive and sustainable but, most importantly, allows for the legal thresholds to be met for successful prosecutions to take place.

Lord Alton of Liverpool (CB): My Lords, the concern about the widespread use of sexual violence in war has arisen specifically from a case raised by the Ukrainian MP, Maria Mezentseva, in which a woman was raped in front of her child by a Russian soldier. Are we in touch with the Ukrainian Member of Parliament in giving her all the support we can, even though our own teams are unable, as the Minister has said, to go into the country? Last week, I met Ukrainian refugees while I was in Lithuania, and I was struck that every single one of the thousands arriving every day is asked routinely in the questionnaires that they are given

whether they have any evidence of crimes being committed that could be considered as humanitarian crimes or war crimes. Are we doing the same with all refugees who arrive in the United Kingdom so that we collate the evidence in the way that has been referred to? On Wednesday, I asked the Minister about inviting Karim Khan QC, the prosecutor at the International Criminal Court, to meet your Lordships so that we can discuss these issues further with him, if necessary in a closed session. Is the Minister able to take that forward?

Lord Ahmad of Wimbledon (Con): On the noble Lord's second point, and as I have indicated, we are liaising with Karim closely and will certainly take that up with him. On his earlier point about arrivals here, I shall share that with the Home Office. We offer a wide range of support, but I shall come back to the noble Lord on that particular issue. The case that the noble Lord mentioned is unfortunately, regrettably and tragically not the only one. We have been following the Deputy Prime Minister of Ukraine, who has articulated clearly the widespread nature of conflict-related sexual violence. We are engaging directly with the leadership of Ukraine to ensure that it knows that it has our full support. We will extend our support in every respect on this important issue.

Baroness Sugg (Con): My Lords, it is a tragic reality that in conflicts and crises around the world sexual violence has become a weapon of war. I welcome the Foreign Secretary's commitment to do more to tackle sexual violence in conflict. Does my noble friend have any update on the idea of a new international convention that would help to hold perpetrators to account?

Lord Ahmad of Wimbledon (Con): My Lords, my noble friend is of course right. We are working through a new initiative to strengthen our approach to sexual violence launched by my right honourable friend the Foreign Secretary. We are increasing the number of countries that are now part of that. As I indicated, I shall also be at the UN in a couple of weeks' time, where this will be primary among my engagements bilaterally. I can share with your Lordships' House that we have already made a public commitment to holding a specific event on preventing sexual violence in conflict. We are finalising some of the dates, but it is likely to be in the last quarter of this year.

Lord Browne of Ladyton (Lab): My Lords—

Lord Purvis of Tweed (LD): My Lords—

Lord Browne of Ladyton (Lab): My Lords, as the noble Baroness has said, increasingly, rape and sexual violence as a weapon of war is becoming the rule and accountability is becoming the exception. One exception is that in Germany in January a Syrian former intelligence officer was sentenced to life imprisonment for crimes against humanity committed in the Syrian civil war, including rape. This is an example of national courts prosecuting irrespective of nationality where an offence has been committed if they have in place universal jurisdiction laws, as in a limited way we do. Even

Russia has universal jurisdiction laws. There is enormous potential in this area. Are our Government working with allies and others to explore that route and to extend it substantially?

Lord Ahmad of Wimbledon (Con): I can assure the noble Lord that the answer to that is yes. Earlier this week, I attended a meeting chaired by the Deputy Prime Minister and the Justice Secretary that covered among other issues the very issue that the noble Lord has raised.

To pick up a strand of what the noble Lord, Lord Purvis, may have wanted to ask about, on Yazidis, as I indicated in response to my noble friend Lady Anelay, while the Security Council meeting that we will be hosting will home in on the situation in Ukraine, it will not in any shape or form diminish the continuing issues of sexual violence in other conflicts. I mentioned Nadia Murad. As a Yazidi, she is working centrally with the Government.

On accountability and justice, as was said earlier by the noble Baroness, Lady Hussein-Ece, we know of the experience of the Balkans. It took more than 20 years for women—there have also been men who have tragically fallen victim to this crime—to get any sense of justice. It can take time, but the United Kingdom launched this initiative with the view that it would be very much on the front burner and it remains a key priority. I shall of course update noble Lords on my return from the United Nations about progress being made.

Local Government (Disqualification) Bill

Third Reading

10.18 am

Motion

Moved by Lord Udney-Lister

That the Bill do now pass.

Lord Udney-Lister (Con): My Lords, in moving that the Bill do now pass, I thank noble Peers across the House for their support for this small but, I believe, important piece of legislation. I am grateful to the Legislation Office and the Minister at the Department for Levelling Up, Housing and Communities for all the help and support I have received on the Bill's journey. I also thank Sir Paul Beresford in the House of Commons, who took the Bill through there. I beg to move.

Baroness Hayman of Ullock (Lab): My Lords, we welcome this legislation. I pay tribute to Sir Paul Beresford for promoting it in the other place and to the noble Lord, Lord Udney-Lister, for sponsoring it here. It is a small but important piece of legislation and we very much welcome it.

The Minister of State, Home Office and Department for Levelling Up, Housing & Communities (Lord Greenhalgh) (Con): My Lords, I want to add the Government's support. I once again thank my noble friend—and my political mentor in many ways in local

government—for all his work in sponsoring this Private Member's Bill. I pay tribute also to the Member for Mole Valley, Sir Paul Beresford, for taking the Bill through the ballot and for the diligent work he has done. Obviously, the Government fully support the Bill, which closes an important loophole.

Bill passed.

Down Syndrome Bill

Third Reading

10.19 am

Motion

Moved by Baroness Hollins

That the Bill do now pass.

Baroness Hollins (CB): My Lords, I beg to move that the Bill do now pass. I thank all those who have worked on the Down Syndrome Bill to get it to this point, including Dr Liam Fox for drafting and steering it through the other place with cross-party support. I note that many of the Members of Parliament who spoke in that debate talked about their own constituents with Down syndrome, which is an explanation of why the Bill had quite so much support. Many members of the National Down Syndrome Policy Group are in the Public Gallery today and I extend a warm welcome to them. I thank Ministers and officials for supporting the Bill and those across the House, including the Opposition Front Benches, who have engaged in debate and, in particular, for the constructive spirit in which concerns were raised. I hope that those who had concerns have been reassured.

I believe that this Bill will increase awareness and improve access to services for people with Down syndrome. It is my hope that the Down Syndrome Act will open up a wider conversation on how to improve public services for people with other chromosomal disorders or disabilities, as well as all people living with learning disabilities. To this end, I am considering reviving my previous Private Member's Bill, which would require the Secretary of State to undertake a public consultation to review the provision of services—including health and care, but also employment and housing—for all adults with learning disabilities. Perhaps the time is right to take things a little further and review the impact of recent and forthcoming legislative and policy developments. This includes the Down Syndrome Act, the Oliver McGowan mandatory training in learning disability and autism, the inclusion of an executive lead for learning disability and autism on integrated care boards, the planned integration of health and social care and building the right support action plan, among others.

When this Bill gains Royal Assent, in some ways, the real work begins with the process of creating the guidance. This is the time when all stakeholders will need to pull together and heal any divisions that have occurred.

Baroness Merron (Lab): My Lords, the commitment to supporting people with Down syndrome has come through loud and clear in your Lordships' House. I pay tribute to, and congratulate, Dr Liam Fox on introducing the Bill in the other place and the noble Baroness, Lady Hollins, for steering the Bill through your Lordships' House with her characteristic professionalism and sensitivity. We are glad to follow her lead. From these Benches, we give our support to the noble Baroness in her endeavour, through this Bill, to support the 40,000 people with Down syndrome. They and their families, friends and communities will be appreciative—as are we—of the recognition and improvements brought about through this Bill.

I know that the noble Baroness, Lady Hollins, is keenly aware of the point raised in earlier debate that, in the focus on Down syndrome, noble Lords would not want to create a hierarchy of learning disability which may inadvertently create challenges for other learning-disabled people. I very much welcome the words of the noble Baroness today in this regard. It is also welcome that the department has given a commitment that new guidance will be formed in consultation with key stakeholders. I am keenly aware that this Bill is not the end of the journey but just one step along the journey. In conclusion, I congratulate the noble Baroness, Lady Hollins, on her tireless work for those with learning disabilities, and I wish the Bill all the very best as it continues its path.

The Lord Speaker (Lord McFall of Alcluith): My Lords, we have a remote contribution from the noble Baroness, Lady Brinton.

Baroness Brinton (LD) [V]: My Lords, I too want to join in congratulating the noble Baroness, Lady Hollins, on the Bill reaching the end of its legislative passage today. Her expertise and commitment to people with Down syndrome and other learning disabilities is well known and much respected—and not just in your Lordships' House.

I rise to speak on behalf of some of the Peers who raised concerns about this Bill at Second Reading, particularly the noble Baroness, Lady Neville-Jones, and the noble Lord, Lord Farmer, who cannot be in their place today. I will start by saying what is good about this Bill. It has raised the profile of Down syndrome, which, speaking as someone with a nephew with Down syndrome, I say is a good thing and long overdue.

Your Lordships' House will remember that eight of the 12 cross-party speakers noted that, if the Bill had the powers which its promoters suggest, there risks being a hierarchy of learning disability. This has already caused a split between families with learning disability, all of whom still need to fight for the limited resources to which the law says they are entitled. I am pleased to hear the noble Baroness, Lady Hollins, expressing her desire that the objectives of this Bill are extended to other people with genetic conditions and learning disabilities. I am sure that she and I—and others—will be looking to future government Bills to make a real difference to the lives of all people with learning disabilities.

I will not go through the details of the concerns we had before, because now is not the time. One of my great concerns is that the hopes of many families of people with Down syndrome have been raised beyond the powers in this Bill. I hope that the Minister will ensure that those aspirations are met, not just for people with Down syndrome but for the wider learning-disabled community. I wish this Bill well.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Kamall) (Con): My Lords, I begin by extending my congratulations to the noble Baroness, Lady Hollins. I am grateful to the noble Baroness for steering the Bill to this point. I also extend a warm welcome to those who were in favour of this Bill, some of whom are in the Public Gallery. I offer my thanks to the right honourable Member for North Somerset, Dr Liam Fox, who introduced this Bill in the other place. I also want to thank everyone else who has been involved in developing this important piece of legislation.

I know that a number of concerns have been raised, and I welcomed the scrutiny of the Bill two weeks ago at Second Reading. The Government recognised some of the points that were made. Noble Lords raised important matters about the risk of discrimination and widening inequalities, as well as how the proposed guidance could be developed, scrutinised and implemented in a fair and inclusive way. We have listened closely to these concerns, and I hope to reassure noble Lords on a few points so they can be confident in their support of the Bill and the impact it will have at this stage.

The guidance is about making clearer what steps could be taken by relevant authorities to meet the unique needs of people with Down syndrome. The Bill does not remove the duties under the Equality Act 2010 for relevant authorities to assess all the needs of people to whom they provide support. Our assessment is that, to prioritise funding and resources for people with Down syndrome above other groups without proper assessment of people's needs would be considered unlawful.

The Government will consult with a broad set of stakeholders in developing the guidance, including those with other conditions. I want to be clear that people with lived experience will be at the heart of this at each phase of its development. We will strongly encourage and support people with other genetic conditions, disabilities and protected characteristics, and their advocates, to engage with this process. It is right that we support legislation that will improve life outcomes, reduce inequalities and build a fairer society.

Baroness Hollins (CB): My Lords, I want to reassure noble Lords that I and others involved in this legislation, including seeing it through the parliamentary process, will do all we can to ensure that the process is as inclusive as possible. I know from experience that lived experience must be at the heart and soul of the creation of the guidance, and I welcome the reassurances given by the Minister here and the Minister in the other place on this. It has been a pleasure and an honour to sponsor this Down Syndrome Bill through your Lordships' House.

The Lord Speaker (Lord McFall of Alcluth): My Lords, I also welcome the Down syndrome carers and supporters this morning.

Bill passed.

Animals (Penalty Notices) Bill

Third Reading

10.28 am

Motion

*Moved by **The Earl of Shrewsbury***

That the Bill do now pass.

The Earl of Shrewsbury (Con): My Lords, on behalf of my noble friend Lord Randall of Uxbridge, I beg to move that this Bill do now pass. I declare my interest as a member of the National Farmers' Union.

I know that my noble friend Lord Randall of Uxbridge was delighted to be asked to sponsor this important Bill by my honourable friend the Member for Romford in the other place. I give great credit to my honourable friend for introducing the Bill and for skilfully steering it through all its stages in the other place. I also take the opportunity to thank the Minister for his support of this Bill in your Lordships' House. I also thank my honourable friends the Member for Bury St Edmunds and the Member for Banbury for their valuable support in the other place.

As your Lordships will be aware, this Bill will enable the introduction of penalty notices for existing offences relating to animal health, welfare, biosecurity and products, with a maximum fine of £5,000. The Second Reading debate showed that the Bill was supported from all sides of this House, and I am sure all noble Lords will agree that it is reassuring that there are matters on which we can all wholeheartedly agree—such as the one before us today on improving protections for the animals that we keep.

I congratulate the Government on their continued support for this Bill; their dedication to improving the lives of animals is commendable. I also take this opportunity to thank noble Lords for their considered and important contributions. I am grateful to noble Lords for being considerate of the time constraints attached to Private Members' Bills in general, and I am delighted that no amendments were tabled.

I also extend my thanks to those long-standing advocates for animals outside Parliament who have supported the Bill. They include many charities and other organisations, such as the National Farmers' Union, the RSPCA, Battersea Dogs & Cats Home, Cats Protection, the Dogs Trust, Blue Cross and World Horse Welfare. I commend them for supporting this Bill and the benefits it will provide.

Finally, I extend my thanks to the civil servants in Defra and the Whips' Office for getting us to this point just before this parliamentary Session draws to a close. Given this Government's commitment to strengthening animal health and welfare, I am sure that this will be one of many measures that we will see.

Baroness Hayman of Ullock (Lab): My Lords, I thank the noble Earl, Lord Shrewsbury, for so ably introducing the Motion on behalf of the noble Lord,

Lord Randall of Uxbridge, who has so well steered it through this House so far. I also pay tribute to Andrew Rosindell, who sponsored the Bill in the other place.

We welcome any increased measures against those who break animal welfare laws deliberately, so we are pleased to see this Bill passing into law. But can I ask the Minister some questions about some other animal welfare legislation we are waiting on? It will be good to see the Animal Welfare (Sentience) Bill pass—fingers crossed—next week, and I was pleased to see that the Leader of the House in the other place has confirmed that the kept animals Bill will be carried over to the next Session. However, I am concerned, as are many others, about the fate of the animals abroad Bill, which would look to ban foie gras, fur imports and trophy hunting imports. Many people right across the parties support these Bills, and I would be grateful for an update from the Minister.

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, I start by congratulating my noble friends Lord Randall and Lord Shrewsbury on progressing the Bill to this stage. I echo the thanks to Andrew Rosindell, not only for stewarding the Bill we are discussing today but for his efforts on behalf of animal welfare over many years.

This Bill is one of several animal health and welfare reforms being supported by the Government. Before I move on to the specifics of this Bill—although I will keep that very brief—I will address the comments and questions put to me by the noble Baroness. She is right that the kept animals Bill is progressing, is safe and is happening. I am very pleased, as she is, that that is the case. The sentience Bill, too, is in good shape, and I cannot see any obstacles to that Bill. She will be aware, as other noble Lords will be, that we set out much broader plans in the animal welfare action plan, which included measures relating to protecting animals abroad, as she might imagine. A number of those proposals are moving ahead well, so I can provide absolute reassurance in relation to trophy hunting, for example. Our commitment to ban the import of hunting trophies, as described by the Government in the paper they produced, is on track and will happen. I say “on track”, but there have been delays. It would be foolish to pretend that there have not been delays, but it is on track and the commitment remains absolute. I assure the House that that proposal will go through, and I hope that it will become law, subject to the approval of both Houses.

In relation to other measures in what would be the animals abroad Bill, we have discussed in detail measures to ban the import and export of shark fins. We are working through those measures, and the noble Baroness will not be surprised to hear that I am completely committed to making sure that those measures go through. Likewise, on fur, foie gras and low-animal-welfare entertainment, we see masses of campaigning on this issue and some really shocking images—for example, of elephants being broken in in an utterly depraved manner in order to provide entertainment for tourists who often do not know the back story of those

[LORD GOLDSMITH OF RICHMOND PARK]
 animals. So, all these measures are progressing, and I give the House my assurance that I will do everything I can to ensure that they make it into law. I thank the noble Baroness very much for her positive pressure on these issues and for her co-operation.

As was discussed at Second Reading, penalty notices will serve as an important tool to encourage animal keepers to follow the rules and discourage those who break them from committing more serious offences through this early redirection. Continued engagement by noble Lords, both at Second Reading and today—of course, we also had plenty of engagement in the other House—testifies to the importance of this Bill and highlights that animal health and welfare is and will continue to be a key issue for this House. The Bill will directly benefit this country's farmed and kept animals, including zoo animals and companion animals, and it will increase accountability when our biosecurity is put at risk. Penalty notices will bolster our existing enforcement measures and will give enforcement authorities more options to influence positive behaviour when it comes to caring for our animals.

I am very grateful for the support this measure has received. A number of the organisations which have engaged closely with us and invested much of their time have already been named by my noble friend. I am grateful to them as well for carefully considering how this will work in practice and for sharing their views so that we can make this measure as effective as possible. In particular, I echo the thanks to the RSPCA, Battersea Dogs & Cats Home and the National Farmers' Union, as well as many others. Their support has been invaluable.

I also thank the Delegated Powers and Regulatory Reform Committee for its report on the Bill. I completely agree that appropriate parliamentary scrutiny is necessary, both for this Bill and, of course, for all others. That is why the guidance will be laid before Parliament and why we will work closely with stakeholders to ensure that we get it right.

I echo the thanks of my noble friend Lord Shrewsbury to the Whips' Office and to all those who have worked on this Bill. I hereby conclude on behalf of the Government.

Bill passed.

Marriage and Civil Partnership (Minimum Age) Bill *Second Reading*

10.37 am

*Moved by **Baroness Sugg***

That the Bill be now read a second time.

Baroness Sugg (Con): My Lords, I am delighted to speak to this Bill, which will end child marriage in England and Wales.

I start with some thanks: to Sajid Javid, whose Private Member's Bill this originally was before he got promoted, and to Pauline Latham MP, who has

campaigned tirelessly on the issue of child marriage and steered the Bill through the other place compellingly and effectively. I also thank the many campaigners—organisations and individuals—who have worked so hard to highlight the issue of child marriage: Girls Not Brides UK, IKWRO, Karma Nirvana, Forward UK, the Independent Yemen Group and Garden Court Chambers. I pay particular tribute to Payzee Mahmood and Farhana Raval, who are joining us today. They have taken their experiences and used them to campaign for positive change. Finally, I thank the Government and the Bill team at the Ministry of Justice and the Home Office, who have supported this piece of legislation and worked with Mrs Latham to ensure that the Bill is as comprehensive as possible, which was reflected in the amendments on Report in the other place.

I will briefly set out the purpose of the Bill. First, it will remove the exception which currently allows 16 and 17 year-olds to get married or enter a civil partnership with parental or judicial consent in England and Wales. The existing law has been in place for over 70 years and reflects social values from a different time. We live in a different world now. The numbers of children that marry given this exception are relatively low—fewer than 200 children every year. So, the impact on those children who wish to marry will be minimal: they will have to wait only a maximum of two years. But the impact of England and Wales setting its legal age of marriage unambiguously at 18 will send a message, both here at home and around the world, that child marriage should be a thing of the past.

The second provision will make it a crime to organise any unregistered marriage involving a child in England and Wales, creating a new offence of arranging the marriage of a child. That is a key part of the problem we are trying to solve. The number of cases of child marriage in the UK I gave earlier does not reflect the true extent of this issue. Of the cases involving potential child marriage reported to the Home Office-commissioned national honour-based abuse helpline delivered by Karma Nirvana in the year to September 2021, only four related to civil marriages. There were almost 20 times as many cases which involved only a religious ceremony—over 95% of all cases. The Girls Not Brides UK coalition, which has done excellent work on this campaign, has shockingly been involved in cases where the child being married was under 10 years old.

We know from first-hand experiences that the religious ceremony is the most important part of the marriage in the eyes of the family and the community of the child. There is currently, unbelievably, no age limit on unregistered marriage. The only requirement is that it is not forced or the victim lacks capacity to consent, and we know that under the current law proving a forced marriage where it involves children is extremely difficult.

This offence will be triggered by any conduct which causes a child—under 18—to enter into a marriage, whether civil or religious. Crucially, unlike in forced marriage, there is no need to prove coercion or control, and this takes the onus away from the child to show that their marriage was forced and will make prosecutions easier and the deterrent that much stronger. We must be

clear that the criminal offence is not about criminalising the child. The child is the victim in every case, and the criminals will be the adults who organise these marriages.

The final key provision is on extra-territoriality. The Girls Not Brides UK coalition, as well as the Government's Forced Marriage Unit, have seen plenty of evidence which suggests that very often children who live in the UK are being taken abroad—often to a country where extended family live—in order to be married. Sometimes they will be taken abroad for just a few weeks, but sometimes for many months or even years, as was the case for Farhana. So, it is crucial that this offence captures this conduct because it is just as damaging to the prospects and life chances of victims if the marriage takes place here in the UK or overseas.

Therefore, this Bill will also cover marriages involving anyone anywhere in the world where the child or the person arranging the marriage lives in England and Wales, and in the case of UK national children also those that have at any point lived in England or Wales, unless they live in Scotland or Northern Ireland or deem one of those countries their permanent home. This offers protection to all children growing up in this country and removes any incentives for the parents to leave the UK in order to avoid the criminal law.

It is not just in the UK that the implications of this legislation will be felt. The UK is of course committed to achieving the UN's sustainable development goals, target 5.3 of which is to

“Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation”

by 2030. This specifically applies to both religious and non-religious child marriages.

When I was a Minister at the FCDO, the position here at home risked undermining the excellent work we did on child marriage around the world. Through this Bill we are helping England and Wales to meet the SDGs and set an example to the rest of the world by prioritising children's futures.

I will end with two asks of the Minister. First, Clause 7 confirms that the Bill will come into force on the day that the Secretary of State appoints. We know that every day before commencement is another day in which child marriage remains possible in this country. This week alone, Karma Nirvana has received calls to its national helpline regarding two girls, both aged 15, with significant concerns that they will be taken abroad over the Easter holidays to get married. We know that many children are taken abroad during school holidays, and with the summer holiday being a notable risk period, I hope the Minister can give me an expected commencement date and explain what needs to happen before then.

Secondly, changing the law, as we know, is only one part of the solution: we must also change attitudes and societal norms. Can the Minister confirm that Ministry of Justice and Home Office will work closely with the Department for Education to ensure that both children and teachers are informed about the change in the law so that they can help spot children who are at risk? It is also important to ensure that the statutory guidance on forced marriage is appropriately updated to reflect the legislative changes.

Please could the Minister also confirm that updated guidance for the police and the Crown Prosecution Service will be swiftly produced to help in the investigation and prosecution of crimes under this legislation?

I hope noble Lords from all sides of the House will give their full support to this Bill. I beg to move.

10.43 am

The Lord Bishop of Worcester: I welcome the Bill warmly and in doing so, thank the noble Baroness, Lady Sugg, and all those who have worked very hard on it. It takes very important steps to protect exploited young people, especially girls. Having welcomed the Bill, I want to raise one consideration that seems, so far, to have gone relatively unremarked upon during its passage. I hope that it will be noted by the Government and returned to at a later date.

The legislation will leave unchanged a person's being presumed under the law to be able to consent to sex from the age of 16, and to the bearing of children as a result, but under it they will not be able to have sex or a bear a child within a married relationship until they turn 18. While society has long abandoned the ideal that all sex and childbearing belongs within marriage, and marriage law had failed to recognise same-sex relationships until recently, I think this will be the first time that the law would specifically prohibit a legally conceived child of two consenting parents from being born inside a married relationship. I expect that for very many people this falls into the category of “who cares”, but it is at least worth registering this precedent, and that it constitutes a removal of a choice.

At the Second Reading in another place, Pauline Latham seemed unconcerned:

“It is outdated to talk about people having children out of wedlock being a sin. If a girl becomes pregnant on her 16th birthday, she will not have the baby until she is almost 17—16 years and nine months—and she has to wait for only another year and three months until she can get married. In that time, she and the person that she has become pregnant by—whether that is by design or not—will, between them, be able to judge whether that is the right choice for them. Clearly, children being brought up in a loving household is obviously the best thing for everybody. Eighteen is the age at which marriage should happen, not before.”—[*Official Report*, Commons, 19/11/21; cols. 816-17.]

The issue here is the incoherence of much current age-based consent policy. While the trend has been downward on sexual maturity, it has been upwards on public health, criminal and other responsibility. It is surely an oddity that you can conceive and give birth to a child at 16, or leave home, but you cannot get a tattoo or, soon, get married.

There was a speech in Committee in the Commons about consent and mental capacity generally from Ben Spencer, who is a doctor, but he did not want to delay progress by tabling any probing amendments. The most we have had by way of deliberation is an exchange between Tim Loughton and Pauline Latham. Tim Loughton said:

“given this important legislation, does she now think that there are other areas of this whole grey area of what constitutes a child—16 or 17, up to 18—that the Government need to look at as well?”

Pauline Latham responded:

“yes, I think that the Government need to look at everything to do with a child's rights up to the age of 18. Perhaps the Minister will take that back to Government for them to look at all sorts of

[THE LORD BISHOP OF WORCESTER]

things that happen at all sorts of different ages, so that we know where children can and cannot do things. I think that would make it much simpler.” —[*Official Report*, Commons, Marriage and Civil Partnership (Minimum Age) Bill Committee, 12/1/21; col. 6.]

In supporting this Bill and welcoming it warmly, I ask that the Minister take note of these considerations and take them back to the department.

10.47 am

Lord Lilley (Con): My Lords, it is a great pleasure to follow the noble and right reverend Prelate, who makes a very important point. I congratulate my noble friend Lady Sugg on her excellent speech and on bringing the Bill to this House, my old friend Sajid Javid for initiating it in another place, and Pauline Latham for carrying it forward.

I want to make two and a half brief points. First, any age limit that we make is bound to be somewhat arbitrary, but the least we can do is try to be consistent. You cannot leave full-time schooling until you are 18, so how can you be allowed to decide the whole of the rest of your life by committing yourself to marriage at a younger age? If you cannot fight for your country, how can you be allowed to commit yourself for the whole of your life in marriage? You cannot buy a knife, or fireworks, or go on a sunbed if you are under 18; you cannot even take out a mortgage to acquire a house in which, as a married couple, you will wish to live, if you are under 18. We have recently been debating in this place how to treat children and to determine whether they are or are not children by whether they are under 18 or above. I can think of no good reason to allow marriage—a commitment for life—at a younger age than 18.

My second point is that if we are setting the age of marriage, we should try to do so to protect the most vulnerable. In setting it at 18, we are clearly not going against the prevailing practice in society at large; there are only 147 registered marriages of people aged under 18 in the most recent year. However, as my noble friend Baroness Sugg pointed out, there is clearly a problem with unregistered religious marriages, which can happen at a lower age in certain communities and indeed abroad, that we need to try to discourage and prevent. This Bill will help protect young people by giving them a defence in law against that and by making it easier for other members of the family to stand up against pressures in the community that force them towards an earlier marriage.

My second-and-a-half point goes beyond the scope of the Bill. It acknowledges that we can to a degree influence through our legislation in this country what happens in other countries. We cannot determine their laws, but we can influence their practice—my noble friend Lady Sugg made that point in another respect. We rightly give priority to spouses of people coming to live in this country, but that can create pressure on people, both men and women—I have known it as frequently among young men as among young women—to marry early in order to bring someone to this country, essentially for reasons of immigration rather than of matrimony. A number of Scandinavian countries therefore give spousal visas only to people over the age of 25. I hope that we will consider that in

this country too, if not as part of, or as an amendment to, this Bill, then in some other form.

I support this Bill and wish it every success. I am glad it has the support of both sides of this House.

10.51 am

Baroness Hussein-Ece (LD): I too thank the noble Baroness, Lady Sugg, for so ably and comprehensively introducing this Bill today in your Lordships’ House. It is hugely welcome and I warmly welcome it. I also thank the honourable Lady, Pauline Latham MP, who introduced it in the other place. I have had the pleasure of working with her as a co-chair—I should perhaps declare an interest, as the noble Baroness, Lady Sugg, Pauline Latham and I are all co-chairs on the All-Party Parliamentary Group on Population, Development and Reproductive Health. We have campaigned for many years to bring this Bill forward and to raise the minimum age for marriage to 18. Indeed, I tried unsuccessfully to introduce a Private Member’s Bill in 2020, so it is a huge pleasure to be here to support this Bill.

As others have said, it seems extraordinary that it is still legal for children to marry in the UK with parental consent. We have finally accepted that we must ensure that young people are protected and are no longer potential victims through this loophole. Many unregistered child marriages are never reported nor captured by statistics, so we do not know the full extent of the numbers. The current ambiguity in the law has been a barrier to protecting young people. I think and hope this Bill will address this and offer more protection for those unregistered marriages.

The UNICEF definition of child marriage is very clear: child marriage is

“any formal marriage or informal union between a child under the age of 18 and an adult or another child.”

In its 2016 report, the UN Committee on the Rights of the Child recommended that the UK raise the minimum age of marriage to 18 across all UK jurisdictions, overseas territories and Crown dependencies. As has already been mentioned, under the UN SDGs, the UK pledged to end all harmful practices, including child marriage, by 2030. I am very pleased that we are well ahead of this, in bringing this Bill forward now. It is important that, while the UK has quite rightly been forthright in asking other, developing countries to raise the minimum age to 18, it has lagged behind in getting its own house in order. This Bill will ensure that that work is no longer undermined.

Parliament has already recognised that, by raising the minimum age for leaving education or training to 18, childhood should be safeguarded as an important time for learning and development; and 18 is the minimum age for entering into most contracts, as has been mentioned, purchasing alcohol and tobacco, and even getting a tattoo. I did not know that you could not have a tattoo until you are 18, not that I have one—there is still time.

Child marriage is impacting children from the UK and is also being perpetrated by men from the UK against children overseas. These are registered marriages, which are recognised under British law, as

well as religious or customary traditional ceremonies, which we know can happen at any age—there is no minimum age for those. We know unregistered child marriages cause similar damage to registered marriages.

I was pleased to attend a religious marriage ceremony of a close family relative about 18 months ago in the Cambridge Mosque. I heard from the couple who were taking part in the Muslim blessing and ceremony that, before the service took place, they were required to show their passports and ID to prove that they were over 18 as well as resident in the UK. In addition, before the ceremony took place, the imam conducting it emphasised that this ceremony was not recognised in UK law and that they must hold a civil service at a registry office or similar place to ensure their marriage was legitimate and legal, as soon as possible. I thought this was a very welcome example of good practice that really needs to be rolled out more widely. Unfortunately, we hear stories that this does not always happen in other religious ceremonies.

I ask the Minister: how will we ensure that proper guidelines will be updated by all agencies and appropriately enforced, as well as sending guidelines out to the various religious temples, mosques and other places where these ceremonies are likely to take place? Education and enforcement, as well as proper guidelines, will be key to ensuring that this is a success. This Bill, although overdue, is nevertheless a significant and hugely welcome social reform and I am very pleased it has the Government's support.

10.56 am

Lord Cormack (Con): My Lords, speaking briefly in the gap, I add my congratulations to my noble friend Lady Sugg. This is an important piece of legislation. Let us not mince our words: this is directed at not arranged but forced marriages, of which one is too many. I was very glad that the noble Baroness, Lady Hussein-Ece, talked about her experience at the Muslim marriage last year. That was exemplary good practice and should be the common practice.

We have to face the fact—this was alluded to by the right reverend Prelate the Bishop of Worcester—that it is still going to be legal for a young couple aged 16 or 17 to have a child. That troubles me, I am bound to say. I wish that we could move towards the universality of adulthood at 18. I think that would be a social advance of real importance. However, clearly, the forced marriages that we are essentially concerned with today are things that deface our society when they happen and when young people are whisked away to a foreign country, as has been said.

The thing that has really provoked me into making a brief contribution today has been the work of the noble Baroness, Lady Cox, who is not here this morning. She has done some absolutely superb work in persuading or instructing a number of us on just what problems are caused by the application of sharia law and what is, frankly, the abduction of children of 14 or 15, who are taken away and forced into marriage. I pay tribute to the noble Baroness, Lady Cox, in her absence for all the campaigning work she has done in your Lordships' House on so many humanitarian fronts over so long.

I end by again endorsing what the noble Baroness, Lady Hussein-Ece, said: 18 is the right age. It should be recognised by all imams, as it was by the one at the marriage ceremony that she attended. We are going to take a step forward in helping a few young people—147 was the number quoted by my noble friend Lord Lilley. It is not a vast number, but it is certainly 147 too many. If this new law can come into force and the Minister can expedite its introduction, my noble friend Lady Sugg, my right honourable friend Sajid Javid, and my honourable friend Pauline Latham will, together, have performed a very notable service, with the backing of Members from all parts of both Houses. I give my total support.

11 am

Lord Blunkett (Lab): My Lords, given how long I have been in this House, I ought to know the rules and conventions relating to the gap—but I do not, so I will be extremely brief. I congratulate the noble Baroness, Lady Sugg, on her very articulate and clear explanation of the rationale for this legislation, and all those who have campaigned and made this possible. I have to be clear: I did not know that this was coming through to us until I met Pauline Latham on a train and had a conversation about it. I should, as a parliamentarian, have been aware of what was coming down the line, but, if I did not know, I am presuming that a large number of the population out there did not know that we were taking this Bill through the Lords, and hopefully getting assent before the end of this Session.

I just want to make two or three points. One, which the noble Baroness, Lady Sugg, made very clearly, is that we do now need to reach out and make sure that all those who are related to public policy implementation or who work with young people are actually aware of the change. Secondly, to pick up the point made by the right reverend Prelate, it is interesting that public policy and private practice are sometimes different and sometimes have to be brought together. I was responsible for piloting the Sexual Offences Act through in 2003. Much has been built on that since, as we make progress in an incremental way.

I just want to counsel that we need to be very careful about hectoring, especially—if I may say this to my good friend, because I have done a lot of business with him, the noble Lord, Lord Cormack—when old men are talking about what 16 and 17 year-old men and women—children, if you will—are actually doing in their private lives. I did bring in clarity—and clarification was needed—in relation to rape for those affected who are under the age of 16, which did not exist until the 2003 Act. We should be careful how we deal with this, because the public policy changes that we are bringing about in this Bill, which I very much welcome, are sensible, rational and have a very clear intent. Let us not move at this stage down the road of telling young 16 and 17 year-olds, who are experimenting in their lives and coming to adulthood, what they should do, other than guiding them to be extremely careful about their private behaviour and how that might affect the rest of their lives.

I take the point entirely about loving relationships. I was going to say “preach”, but actually, in my early days—God help me—I was a Methodist local preacher.

[LORD BLUNKETT]

I still have some of it inside me. They asked me if I would stop doing it on the grounds that I clearly was going to be a politician, not a minister, so I am not going to go down that road other than to say that when the late Simon Hughes suggested changing the law to make marriage legal at 17, I was very supportive of that, and I am incredibly supportive of this legislation today. But let us not muddle the different aspects of what we are trying to achieve because, if we do, I fear that there might be a revolution out there, as Members of the House of Lords dictate to 16 and 17 year-olds how to conduct their lives.

11.04 am

Lord Collins of Highbury (Lab): My Lords, I too thank both the noble Baroness, Lady Sugg, for introducing this Bill, and Pauline Latham MP, who led it through the Commons. Many of my colleagues would have liked to have been here to support this Bill, but they are attending the memorial service for Ted Graham, our former Chief Whip, in Enfield.

I reiterate that the Bill has full Labour support. My honourable friend Andy Slaughter, Shadow Justice Minister, called it an

“important and substantial step forward”.

I too would like to pay tribute to all the campaigners who have delivered this. It is often politicians who do the last bit of the legwork, but it is the campaigners out there, in civil society, who do the work to see this sort of legislation through. Like the noble Baroness, Lady Sugg, I pay tribute to two here today: Payzee Mahmood and Farhana Raval. It is good to see them, and I hope they will be pleased with the debate we are having today.

This Bill has already passed through its Commons stages, so hopefully it will progress very quickly to become law before Prorogation. There has been significant cross-party co-operation and consensus throughout the Bill’s stages. As we have heard today, in 2018, fewer than 150 15 and 16 year-olds entered marriage, out of a total of 235,000 marriages in England and Wales. However, these figures understate the issue. Allowing marriage as young as 16 encourages those who support child marriage at an even younger age, and has the potential to set a dangerous precedent.

Raising the age to 18 draws a clear line between child and adult. This Bill ensures that there are no circumstances under which a child can be legally married or enter a civil partnership under the age of 18—something that the UN Committee on the Rights of the Child asked for back in 2016. As the noble Baroness, Lady Sugg, said, it conforms to the SDGs, which we are committed to deliver on, certainly including the rights of women in relation to this Bill.

Barnardo’s, the children’s charity, has raised concerns that marriage for children aged 16 or 17 can result in their experiencing domestic violence and sexual abuse, and missing out on important educational opportunities. Adopting this Bill will enable the concerns to be addressed that marriage at such a young age can leave vulnerable young people open to coercion and forced marriage. Sixteen and 17 year-olds make up over 10% of

forced marriages. These vulnerable children need our protection, and I am grateful to be here on behalf of the Opposition to support the Bill.

The office of the United Nations High Commissioner for Human Rights defines child marriage as

“any marriage where at least one of the parties is under 18 years of age.”

It defines forced marriage as

“a marriage in which one and/or both parties have not personally expressed their full and free consent to the union.”

The High Commissioner’s view is that all child marriages equate to forced marriages, as a child cannot give full, free and informed consent.

I agree with the noble Lord, Lord Lilley, and my noble friend Lord Blunkett that the issue is about addressing a specific problem: that children need protection. As my noble friend said, it is not about intruding into their lives in the bedroom—or wherever else they may be in developing their sexuality. That is a matter for them, and we should not interfere with that.

This issue of forced marriage overwhelmingly impacts women and girls. An astonishing 80% of those who married as children in 2018 were girls. There is also the issue of individuals who do not report forced marriage. Specially trained staff in schools are absolutely vital in looking out for the signs of forced marriage but there is a concerning lack of similar training for registry office staff. We need to look at that in terms of developing the best practice that the noble Baroness, Lady Hussein-Ece, referred to.

Only about a fifth of reports to the Forced Marriage Unit in 2019 were from the victims themselves. Most reports—64%—were from professionals, such as those in education, social services and the legal and health sectors. I reinforce the point made by my noble friend Lord Blunkett that this means that training and support for those sectors is even more important than ever.

The current law is outdated, and, as the noble Lord, Lord Lilley, said, family life has moved on significantly since its inception. The fact that a young person must remain in education until he or she is 18 but can marry at 16 is a bit bewildering, and there is no place for it in the 21st century.

Lord Blunkett (Lab): Before my noble friend sits down, I need to apologise to the House and in particular to the right honourable Simon Hughes. It has been pointed out to me that he is well and alive. I had better get that on the record.

Lord Collins of Highbury (Lab): I happen to know he is well and alive too, having seen him fairly recently. I thank my noble friend for that intervention.

I conclude by saying, as I said at the beginning, that the Bill is a crucial and substantial step forward in correcting the situation. On behalf of the Opposition, I wish it well in its remaining stages.

11.11 am

Baroness Penn (Con): I thank my noble friend Lady Sugg for introducing this important Bill. I also acknowledge the work of Pauline Latham MP in successfully taking it through the other place so that

we can be here today, and thank Sajid Javid for his work on initiating the Bill. I confirm my unreserved support for the Bill on behalf of the Government and hope to see it complete its journey so that our society can benefit from the positive change that it seeks to bring.

I also thank all other noble Lords who have taken part in this short debate, particularly the noble Baroness, Lady Hussein-Ece, who, as she herself noted, has made her own efforts to legislate in this area. I also thank the campaigning organisations highlighted by my noble friend Lady Sugg and echo her words about our visitors today, Payzee Mahmud and Farhana Raval.

The purpose of the Bill is to stop child marriage and civil partnership in England and Wales. There are two ways in which children can currently marry. First, they can have a legally binding ceremony at 16 or 17 if they have permission from their parents or a judge. We will end this aspect of child marriage by requiring all parties to be 18 before they can enter a legal marriage or civil partnership.

Secondly, at present, children of any age can take part in “marriage ceremonies” which are not legally binding. Often these will take place in community or traditional settings. Although not legally recognised, these marriages are recognised by the communities in which they take place and they come with many of the same expectations. We must ensure that children are protected from such marriages. The Bill therefore also expands the offence of forced marriage to make it illegal to arrange for any child to enter into any type of marriage without the need to prove that coercion was used.

The changes to the legal age of marriage impact only individuals who wish to marry aged 16 or 17. The impact is therefore temporary. As soon as they turn 18, they can get married if they choose. We must protect the important institution of marriage by ensuring that parties enter into it freely, and that they are mature enough to make a lifelong commitment that has significant legal and financial consequences. We must give relationships the best possible chance of success. By raising the age of marriage to 18, we are ensuring that parties have a suitable level of maturity, which is likely to reduce the risk of relationship breakdown in the future.

I note the point made by the right reverend Prelate the Bishop of Worcester and my noble friend Lord Cormack and acknowledge that there are different minimum age limits for different activities. I point out to noble Lords that a number of European countries have set the minimum age of marriage at 18 and maintained a lower age for sexual consent, including Denmark, Sweden and Ireland. The disconnect between age of marriage and age of consent is already evident in the low numbers of 16 and 17 year-olds marrying; as noble Lords noted, it was 134 in 2018. The Government are committed to ensuring that children and young people are both protected and supported as they grow and develop in order to maximise their potential and life chances. This includes having the opportunity to remain in education or training until they reach the

age of 18. Child marriage can deprive them of these important life chances, and girls in particular are at risk of disadvantage.

Child marriage does not only carry a risk of relationship breakdown; research shows that it is often associated with leaving education early, limited career and vocational opportunities, serious physical and mental health problems and an increased risk of domestic abuse. Girls are more likely to be the victim of child marriage and are therefore more likely to suffer these adverse effects. The Bill plays an important role in the Government’s ambitions to end crimes which disproportionately affect women and girls—in this case girls. Indeed, in our *Tackling Violence against Women and Girls Strategy*, published last July, we committed to ending child marriage as soon as a legislative vehicle became available, as we are now doing.

The *Tackling Violence against Women and Girls Strategy* is not the only place in which the Government have committed to ending child marriage. As my noble friend helpfully explained, we have also signed up to the UN sustainable development goals, which require all countries to

“Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation”

by 2030. This is not an issue unique to England and Wales but a global injustice which must be stopped. It is estimated that 150 million girls will become child brides by 2030 if more is not done to prevent this happening. We in England and Wales have the opportunity to demonstrate leadership in this area and set the right example both at home and abroad.

The Bill will not change the age of marriage in Scotland or Northern Ireland as marriage is a devolved matter. Therefore, the age of marriage in Scotland will remain at 16 and in Northern Ireland 16 with parental or judicial consent, although we note that colleagues in Northern Ireland have recently consulted on changing that. Of course, we hope that Scotland and Northern Ireland will soon also raise their legal age of marriage to 18. If a couple travels to Scotland, Northern Ireland or any other country abroad to marry, if either of them is 16 or 17, and if either of them has their permanent home in England or Wales, that marriage will not be legally recognised in England and Wales. It will also not be legally possible for that couple to marry in Scotland due to existing Scottish law.

As I mentioned, the Bill also expands the offence of forced marriage such that it is always illegal to cause a child to enter into a marriage. Currently, that is illegal only if violence, threats or other forms of coercion are used, or if the child lacks capacity to consent to the marriage under the Mental Capacity Act 2005. This Act does not cover all children merely by virtue of their being children; other capacity criteria must also apply. Now it will be illegal to carry out any conduct for the purpose of causing a child to enter into a marriage before their 18th birthday, whether or not the conduct amounts to violence, threats or any other form of coercion or deception.

The person carrying out that conduct will be subject to this new part of the forced marriage offence if the marriage is to take place in England or Wales, or at least one of the victim or the perpetrator is habitually

[BARONESS PENN]

resident in England and Wales, or the victim is a UK national who has at some point been habitually resident in England and Wales, and who is also neither habitually resident nor domiciled in Scotland or Northern Ireland. This ensures that the law covers all circumstances where there is a connection to England and Wales even if the marriage takes place elsewhere, helping to prevent children being taken out of the country deliberately to marry.

It is not the intention or the expectation that children who are parties to the marriage will be prosecuted. This change, as with existing forced marriage legislation, is principally about third parties who arrange the marriage.

It may be helpful if I say a little more about what conduct counts as “causing” a child to enter into a marriage. It will of course be for the courts to interpret this in practice, but we expect and intend that the behaviour covered will be that which is involved in initiating the process of marriage, such as inducing and persuading the child to marry. This aligns to the behaviour generally covered by the existing forced marriage offence and is the natural meaning of the word “cause”. It will often, although not always, be the parents who do that in these cases.

We do not envisage that the offence would extend to people who contribute to a process which is already under way, such as people who make financial contributions towards a marriage or those who assist in practical arrangements, such as hiring out a hall. On the same basis, it should also not cover the activities of registrars and celebrants in facilitating the proceedings of a legal marriage. This is unlikely to become an issue for those in England and Wales, given the increase in the age of marriage in the Bill, but is potentially an issue in the odd case involving, say, the marriage in Scotland or Northern Ireland of a 16 or 17 year-old who is habitually resident in England and Wales.

I now turn to the specific asks of the Government made by my noble friend Lady Sugg. First, she asked for a date when the Government expect commencement to take place. As Minister Pursglove stated during Third Reading in the other place, a number of implementation tasks must be completed first. This includes updating the General Register Office’s IT systems, so that it is no longer possible to give notice to marry at age 16 or 17. It also includes updating secondary legislation impacted by the law change. Forced marriage changes will impact on multiple agencies, requiring updates to guidance, systems and processes, and we also need to make sure that the public are given plenty of notice that the law is changing, and be mindful of those who may be planning weddings which are perfectly legal at the time that notice was given. As the Bill will not reach Royal Assent until late in the Session, the ask for commencement by the school holidays would therefore be in two or three months, which is not possible. I reassure noble Lords that we will work to commence the changes as soon as we possibly can.

Secondly, I reassure my noble friend that the Ministry of Justice, the Home Office and the Department for Education will all work together to ensure that we raise awareness in schools about the changes in the

law. I understand that the Member for Mid Derbyshire met Minister Quince at the Department for Education on 1 March and was reassured that the relevant actions would be taken, including updating guidance and training materials.

Thirdly, I can confirm that relevant Government guidance will be updated in a timely manner and that our colleagues at the College of Policing and the CPS will be encouraged to do likewise.

The noble Baroness, Lady Hussein-Ece, asked about guidance for religious and community groups. I reassure her that the MoJ and the Home Office are already engaging with community groups, and will continue to do so, to ensure that they are aware of the changes to the law.

In summary, this Bill will end child marriage in England and Wales, protecting our children and ensuring that marriage is entered into only by choice. It will expand existing forced marriage legislation to include arranging the marriage of a child, recognising that such actions are not acceptable and will not be tolerated. We must listen to brave survivors such as Payzee and Farhana to ensure that no more children have to suffer like they and so many others have done. In closing, I reiterate my thanks to them and to my noble friend Lady Sugg for bringing this Bill before the House. Its anticipated impact is important and far-reaching, and I confirm with great pleasure that the Government are supporting it.

11.23 am

Baroness Sugg (Con): My Lords, I thank all noble Lords who have participated in this short but important debate. The right reverend Prelate the Bishop of Worcester raises an important point that should properly be considered outside the Bill, and I thank him for doing so. The noble Baroness, Lady Hussein-Ece, has long been a campaigner in this area and, as we heard, tried for her own Private Member’s Bill, so I am delighted that this Bill delivers her goals. My noble friend Lord Lilley made the clear case for why the age limit should be raised to 18 in everything from education and training to tattoos. As someone who got a tattoo at the age of 18, I am certainly pleased that I was not able to at an earlier age.

I thank my noble friend Lord Cormack and the noble Lord, Lord Blunkett, for their support of the Bill. I am very grateful to the noble Lord, Lord Collins, for such full support from the Labour Party. It has been heartening to hear support for the Bill from all sides. I hope that it makes very swift progress through its remaining stages in this place. I thank my noble friend the Minister for her response and for stepping up to the plate this morning to do so. It is so important that it is commenced as soon as possible and that we get the guidance and education right. She can be assured that I and Mrs Latham will continue to check in on this with the department to make sure that we are making good progress.

I should like to close by sharing some words from Payzee, with her kind permission:

“I did not choose child marriage, it ruined my future. It led me astray from my dreams of focussing on my education, it took away the best years of my life. I’ll never again be that innocent 16-year-old ... it is for us to change things for the next generation and make child marriage a crime, so they don’t suffer like I have.”

This Bill is for her, for her sister Banaz, for Farhana, and for everyone who has been harmed by child marriage.

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

Taxis and Private Hire Vehicles (Disabled Persons) Bill

Second Reading

11.26 am

Moved by Lord McLoughlin

That the Bill be read a second time.

Lord McLoughlin (Con): My Lords, this Bill completed its stages in the House of Commons on 18 March. It was introduced to the House of Commons by Jeremy Wright, the Member of Parliament for Kenilworth and Southam, a colleague who I served with in the Opposition Whips' Office from 2007 and in the Government Whips' Office until 2012. He then went on to become Attorney-General for four years. When he decided to take this particular measure forward, one can say that it had had detailed legal scrutiny, which a number of other Bills perhaps do not get.

The provisions in the Bill should have been written into law many years ago. Its intention is simple: to amend the Equality Act 2010 so that any disabled person has specific rights and protections when accessing a taxi or private hire vehicle. Its provisions are reasonable. The duties in the Bill are those which we would expect drivers and operators already to fulfil; indeed, I am confident that the majority already do so.

Its impact will be great, as it would offer rights and protections to more than 13.5 million disabled people in England, Scotland and Wales. It would simply amend the Equality Act 2010 in two ways. First, it would address the inconsistencies in the current provisions, providing greater protection for wheelchair users. Secondly, it would introduce new duties, so that any disabled person can expect reasonable assistance when using a taxi or a private hire vehicle without being charged extra for doing so, and confident that they will receive the assistance they need. Collectively, those two changes would strengthen the taxi and PHV section of the Equality Act 2010 so that the rights and protection of disabled people mirror the range of scenarios and outcomes which disabled people can encounter when accessing a taxi.

I shall speak first of how the Bill will amend the current provisions, as this will also give an illustration of the taxi and PHV section of the Equality Act 2010 as it currently stands. Section 165 of the Act places duties on drivers of designated wheelchair and accessible taxis and PHVs to carry wheelchair users and their wheelchairs, to give them reasonable mobility assistance and not to charge them extra for doing so. On the face of it, that all sounds perfectly reasonable. However, it is only when looking at the detail of this section and Section 167, relating to the designated list of wheelchair-accessible vehicles, that it becomes clear that the manner in which Section 165 duties are applied to drivers

allows for an inconsistency. Section 167 is worded so that the local licensing authority “may”—an important word—maintain a list of designated vehicles, not that they must.

So even if a taxi or private hire vehicle is designated to carry wheelchairs, if it is not on the local licensing authority's designated list—the authority does not have to maintain such a list at all—then Section 165 does not apply. How can it be that a wheelchair user in one part of the country has specific rights and protections when using a taxi or PHV and another wheelchair user, who has no influence on the actions of the local licensing authority in its decision not to maintain a designated list, does not? This Bill will put that anomaly right.

The Bill addresses the anomaly by requiring local authorities to maintain and publish a list of designated wheelchair-accessible vehicles, thereby ensuring that the Section 165 duties apply consistently across the country. Wheelchair users should be able to access any wheelchair-accessible taxi or private hire vehicle knowing that they will not be discriminated against. This Bill will make that happen.

The Bill also amends the driver exemptions. Currently, local licensing authorities can issue exemption certificates to drivers on medical grounds or because of physical conditions. However, this exempts them from all the duties in Section 165. Although it is only fair and reasonable that drivers have the right to apply for an exemption, it is not right, fair or reasonable that they are exempted from the duty to carry disabled persons and not charge them extra for duties on which their disability or physical condition has no bearing at all. New Clause 164A, inserted by this Bill, therefore amends the current exemptions so that drivers are exempt only from the mobility assistance duties in Section 165. New Clauses 165A and 167A, inserted by this Bill, create duties so that rights to access and assistance apply not just consistently across the country but fairly and reasonably for any disabled person.

Although Section 165 ensures that the specific needs of wheelchair users travelling in designated wheelchair-accessible vehicles are met, as I just mentioned, driver exemptions would be amended to cover the mobility assistance duties in Section 165 and new Clause 164A. New Clause 164A places duties on drivers of taxis and private hire vehicles to carry disabled persons and their mobility aid or wheelchair, provide reasonable assistance and not charge extra for doing so. This includes, for example, if a wheelchair user intends to access a non-wheelchair-accessible taxi by transferring to the passenger seat or storing their wheelchair in the vehicle, or if a disabled person who does not use a wheelchair requires assistance accessing a taxi, regardless of whether it is a wheelchair-accessible vehicle.

New Clause 165A also creates a duty on taxi and PHV drivers to assist a disabled person in identifying and finding the vehicle at no extra charge. This is an important provision. If a person has a learning disability or disability and struggles to differentiate between a pre-booked taxi or PHV and a private car parked nearby, the law should ensure that they receive the support they need by means of the driver helping them identify their booked vehicle and taking them

[LORD McLOUGHLIN]

safely to where they want to go, thus reducing the anxiety such a passenger may face—not to speak of the potential danger in approaching an unknown vehicle and attempting to enter it.

Section 170 of the Equality Act 2010 places a duty on operators of private hire vehicle services not to refuse a booking because the passenger will be accompanied by an assistance dog, yet that Act currently fails to provide adequate protections for other disabled persons. In practice, this means that a wheelchair user might be refused a booking, not because there are no suitable vehicles but because the driver does not want to provide the assistance required by law. New Clause 167A would address this inconsistency by adding a new offence for a private hire vehicle operator to fail or refuse to accept a booking from any disabled person because of their disability or to charge extra for fulfilling any of the disability-related duties in the relevant sections of the Equality Act.

A Bill is not robust if it provides only duties, no matter how reasonable, without considering the people responsible for carrying them out. I am pleased to say that this Bill anticipates further scenarios from both a disabled person's perspective and that of a driver or operator. As such, it will provide reasonable defences for drivers and operators of private hire vehicles to allow for situations in which they could not have known that a passenger was disabled or needed assistance, or when it would not be reasonable or possible to carry their wheelchair or mobility aid in the vehicle. I believe that the Bill strikes a careful balance between upholding the rights of disabled passengers and ensuring that drivers with a genuine defence will not be penalised.

I conclude by reiterating a point made many times during this Bill's passage through the other place: the majority of taxi and private hire vehicle drivers are a great credit to this country. During the height of the Covid pandemic, they provided a vital lifeline for key workers—doctors, nurses and shop workers, to name but a few—by ensuring that they could reach their places of work on time and in safety. This Bill is not intended to penalise or place undue burdens on such drivers. It is intended to give disabled people legal rights to ensure that travelling by taxi or private hire vehicle need no longer be a source of anxiety, physical discomfort or embarrassment—or a case of not being able to travel at all.

On other occasions, your Lordships' House has heard about times when disabled people have found themselves greatly embarrassed about not being able to hire or get a taxi. That needs to be addressed. The rules need to be clear across the country. I believe that this small Bill, with its small amendments, will help to secure that. I commend it to your Lordships' House.

11.37 am

Lord Addington (LD): My Lords, I feel that this is one of those Bills that makes us ask why we need to do this. The noble Lord has covered that, but, at its heart, it is because when we debate a big subject—such as when we debated the Equality Act, which followed on from the Disability Discrimination Act—we need something that we can grab hold of, and in that case

we grabbed hold of wheelchairs. This has never been a definition of disability for people travelling; it is merely about those people who are at the most obvious end, and often, people who use wheelchairs do not use them all the time. The Bill goes to those who have a movement impairment or other form of impairment but are not always in a wheelchair. This is an incredibly important step that we should have taken long ago. I ask the Minister, when she comes to respond, to tell us whether her department will look to see where other changes like this should be made, because it is the gaps that destroy.

When the noble Lord, Lord McLoughlin, was speaking, he said that it is about the journey for those who have a movement impairment. The only time I have experienced this is with sports injuries—suddenly you cannot walk as fast, walking is much more tiring and you cannot carry a bag. When that type of difficulty applies to somebody, they are often dependent on private hire vehicles or taxis for irregular journeys that they cannot plan that well for—particularly if they are doing something unusual. This Bill gives such people a better chance of fulfilling those types of journeys and of acting with independence, as everybody else does. If we take that on board, the importance of this Bill becomes apparent. I salute all those who are taking it forward. It will make sure that the chain is a reasonable one to plan for.

I also endorse what the noble Lord said about the fact that a polite, reasonably well-mannered person will probably fulfil some of these secondary duties anyway—but not everybody is like that. People have bad days; they get stressed and they make mistakes. The legal duty makes it clear that this is something they should do and that there will be a price to pay if they do not. That is important because we are not all saints; we all snap and we all feel under pressure. There is also a defence in the Bill that it might be unreasonable to expect certain people to do certain things, and that is a very considered amendment.

I understand the Government have given this amendment a very clear path through, but I would like to hear—from the noble Lord who initiated it or the Minister—that they are looking to see where else this legislative change should take place. When you are doing a big Bill or taking a big step forward, little gaps will be forgotten. We have had time, so are we having a look to see what other small changes can be made? Making those changes will mean that the system works better and, in some cases, will mean that it works at all.

11.40 am

Lord Borwick (Con): My Lords, I want first to declare my interests in the taxi industry as the holder of a London taxi proprietor's licence, the owner of a licensed London taxi and the employer of a London taxi driver. My experience is of very many years in the London taxi industry, as manufacturer, distributor, financier, developer and driver. I welcome this Bill, proposed by my noble friend Lord McLoughlin. He has such experience and wisdom in politics that the only thing I would dare to challenge him on is driving and being driven in a taxi. As much of my speech and this Bill is about disability, I should declare that my son has a learning disability.

In the mid-1990s, when I led the project to produce a new, traditional London taxi that would carry wheelchairs, I never thought that 27 years after the Disability Discrimination Act 1995 it would still be necessary to do something about discrimination. Alas, it is, and this Bill will do it, where perhaps it still rarely exists. My plan was to carry wheelchairs in the taxi without the majority of passengers even being aware that the taxi was wheelchair-accessible; you cannot discriminate against wheelchair users if you do not even know the vehicle is wheelchair-accessible. That is why I argued successfully that all London taxis should be accessible. Many of my sales staff told me that we could get away with only a few of our taxis being accessible—perhaps 3% or 5%—but I wanted 100% of our production to be like that.

In her speech on 4 March, the noble Baroness, Lady Brinton, told a story of being refused by two taxi drivers in the rank at Watford station, but that those were the only wheelchair-accessible ones on the rank at that time. All the others refused by being designed not to take her—or to be fairer, not designed to take her wheelchair. This is the problem that a lot of taxi systems in the world have found when they try to make only a small percentage of the fleet accessible. In London, we have a great system, because 100% of the fleet is accessible—that is, 100% of taxis but only a few of the private hire vehicles or minicabs. In 1995, there was a lot of agreement with my noble friend's department that we would move to a system of 100% accessibility in the taxi fleet countrywide. This has not yet happened, and it results in a lottery as to whether a travelling wheelchair user gets to a rank that has an accessible vehicle at the front. This is wrong in my opinion.

There are other things about the Bill that could be improved, not least Clause 3, on providing lists of wheelchair-accessible vehicles. I am still confused. Does that mean lists of vehicle types or actual vehicles? Such lists are no doubt valuable. Google has achieved great things by producing lists of the obvious and making them free. But perfecting the way that separate licensing authorities produce and, in the future, publish the same list is not a great step forward for accessibility for disabled people. We need accessible taxis, and we are being provided with lists of accessible taxis. I would like to request a meeting with my noble friend, and perhaps also with the Minister for Disabled People, to discuss how the Department for Transport, which used to be a crusading champion for practical accessibility, could renew that proud ethos.

Lastly, I would like to wholeheartedly welcome the Bill. It is not a shot at the goal of universal accessibility; it is barely a shuffle in that direction, coupled with dire warnings that we must not amend it to make it actually do something useful. But it does no harm to the cause, and therefore I welcome it.

11.45 am

Lord Mann (Non-Aff): My Lords, I draw attention to my declaration of interests in the register and specifically the fact that I chair the Leeds United Supporters Club, a member organisation of 11,000 people.

In welcoming this Bill, which I wholeheartedly support, I draw attention to what Minister Wendy Morton said in the House of Commons about how the Government

see it as an important step in expanding protections to all, regardless of their disability or impairment, and regardless of the type of taxi or private hire vehicle in which they travel.

Every weekend, a significant number of people who have a disability or impairment of some kind travel to sports venues—in this country, to football venues in particular, and in very large numbers. That is every weekend, and sometimes weekdays as well. Those who are disabled or have other impairments do not necessarily wish to have to travel in their own vehicles and then park at the small number of pre-allocated spaces. The vast majority of my members—a significant minority of whom have disabilities and other impairments—wish to enjoy the full ambience that all football supporters do and to travel point to point by coaches that we organise, which are excellent and fully inclusive, picking people up on the way in many cases and, where possible, depositing people at the sports stadium they want to attend.

However, not all stadiums are accessible, and in London, this is a particular problem. This January, I negotiated with West Ham United—at the Olympic stadium—a shifting of where the coaches would park. It resulted in seven coaches and one minibus being able to park by the disability entrance, with around 25 people who would be covered by this being able to be dropped off there, rather than what happened previously, where they would have to attempt to locate a hire vehicle for a half-mile journey or attempt to walk.

That was a significant improvement, but the Olympic stadium was well designed and the land around it is significant. Take other football and sports stadiums—a good example would be the Chelsea stadium. There is no such space around it, and the people we organise transport for do not have that facility. Yesterday, I made a call to all the potential new owners of Chelsea Football Club to get a guarantee that they would ensure to continue the excellent work of the last few years on anti-Semitism and give a public commitment. I would add to that a commitment to ensure that those who have a disability or impairment are facilitated to be able to get to the stadium. Perhaps the government Minister who will have to sign off the sale of Chelsea Football Club might build those two things into the requirements.

This is a message to civic society. The powers in the Bill will, without question, strengthen mine and others' hands in negotiating. Although this is kind of a one-off, those who enjoy such pastimes will go to football matches 20 to 30 times every season, and the number of complaints I get about the inability to get to stadiums with ease and comfort is, frankly, something of a disgrace in this day and age.

I welcome this. I hope that football, other parts of society and other sports might listen, particularly regarding the problem of big events and people attempting to get to them. If one has ever been to Chelsea, although it is certainly not the only example, one sees there how drop-off at an immediate venue can be very difficult. This will strengthen it. We have a little bit of leverage here with Chelsea Football Club, so I hope that the relevant Minister can ensure this. It is only a minor point but an important one that could be built in, as could the point about anti-Semitism.

11.50 am

Lord Boateng (Lab): My Lords, I am speaking in the gap, and congratulate the noble Lord, Lord McLoughlin, on this Bill. Its proponents and supporters were fortunate indeed to have steering it through Parliament such a past master in the art of securing legislative support for any measure. I do not rise as a result of the practice of his arts but as a result of a chance encounter that I had at the beginning of this week, at the memorial service for His Royal Highness, the late Duke of Edinburgh, who was a patron of Disabled Motoring UK. No one put a greater emphasis on the environment and—another of his great causes—including the marginalised in society, so that they might realise their potential and contribute fully to it.

It is to such an issue, related to this Bill but not arising directly from it, that I draw the House's attention. A real problem has arisen for disabled drivers, in accessing electric vehicle charging, and in design and infrastructure inadequacies of that charging which make it particularly difficult for disabled people to contribute as they would wish to in tackling climate change. Research in this area reveals that today, only 61% of disabled people would consider buying an electric vehicle unless charging was made more accessible. Many disabled people find that their experience of the existing infrastructure is such that there is difficulty in terms of lifting the charging cable from the boot and then having to close it, and manoeuvring the cable to the charging point, with 66% of respondents to a survey conducted by the Research Institute for Disabled Consumers finding that the space or trip hazards and barriers around the car and the charger were making it either difficult or very difficult for disabled people to navigate access to the charger.

All this arises from a lack of consultation with disabled people in the course of the design of this infrastructure. Indeed, it was at the beginning of 2022 that the first fully accessible electric charging point in the UK was unveiled, representing just 0.003% of charging locations in the UK designed to be accessible to disabled drivers. In the same year, the institute undertook research into electric cars on behalf of a disabled organisation and found that the charging infrastructure as a whole showed a clear lack of consideration of disabled motorists as users or potential users of electric vehicles.

Can the Minister take back to her department the importance of this issue? Can she meet with me and other representatives of Disabled Motoring UK so that we can further explore this issue? Access to transportation and to the means to participate in the full range of activities that disabled people are entitled to engage in within our communities is essential. On that basis, I thank the noble Lord, Lord McLoughlin, for all that he has done to bring that about, and wholeheartedly support this measure.

The Deputy Speaker (Lord Haskel) (Lab): My Lords, the noble Baroness, Lady Brinton, is taking part remotely. I invite the noble Baroness to speak.

11.55 am

Baroness Brinton (LD) [V]: My Lords, I thank the noble Lord, Lord McLoughlin, for introducing this Bill, and echo the comments of the noble Lords, Lord Boateng and Lord Borwick, on the exceptional parliamentary skills and abilities that the noble Lord, Lord McLoughlin, has. I also thank the Minister for her very helpful letter.

From these Benches we support this Bill, even though its scope is necessarily limited. I absolutely echo the opening remarks of the noble Lord, Lord Borwick, who really understands the problems facing wheelchair users attempting to access taxis. I thank him for his work over three decades in improving the system in London. He spoke of Hackneys, but as a wheelchair user, Uber and other similar private hire vehicles are a total disaster. It is long overdue that disabled passengers are not charged more than other passengers, so I am pleased to see this in the Bill. On the thorny issue of disability training of taxi and PHV drivers, which is also important, it is not a perfect answer to the problem that disabled people face at the hands of the few unthinking taxi drivers, whether trained or not.

The issues that visually impaired and other assistance dog users face with drivers are appalling. As with problems that wheelchair users face, the continuing rejection of assistance dogs remains a disgrace. Disability training is part of the solution to this, as well as the clear and simple duty to carry passengers with assistance dogs. Some local authorities insist that all taxis and PHV drivers that they license undergo disability training, while others will just encourage it. It must be compulsory, but they also must train drivers on how to think, rather than giving them one solution to each different type of disability.

I have had taxi drivers proudly tell me that they have “done the training” and then insist that they push my electric wheelchair up their ramp, which is very dangerous, to them and to me. I have been pushed off the side by one enthusiastic driver at Euston station and ended up balancing precariously over the edge of the ramp. Then, thank goodness, other taxi drivers came to my aid before my chair fell. This is vital, because if a chair falls on to a user, you can break both legs, as happened to Baroness Wilkins after an accident on the Parliamentary Estate some years ago. I still miss her expertise on disability matters, and hope that she is enjoying her retirement.

I have also had drivers telling me, as they sucked in their breath, “I can't take you because your chair's too heavy.” Even when I asked what the limit was for their ramp and said how much my chair and I weighed, which had to be less than 200 kilograms, one still refused to take me, quoting the Equality Act, wrongly. That was at Brighton station. He was confident in his assertions because he had “done the training”. I have had drivers telling me to get out of my chair and that they will then deal with the chair because they are using the training that they have had for manual chairs, not for electric chairs. Therefore, while training is vital, it must be appropriate.

I was a member of the Select Committee on the Equality Act 2010 and Disability, which published its report in 2016. The section on taxis noted that Section 165 and some other sections of the Equality Act 2010 had still not been fully commenced, meaning that there is still no duty for taxi drivers and PHVs:

“to carry the passenger while in the wheelchair; ... not to make any additional charge for doing so; ... if the passenger chooses to sit in a passenger seat, to carry the wheelchair; ... to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; ... to give the passenger such mobility assistance as is reasonably required.”

As the noble Lord, Lord McLoughlin, pointed out, it is reduced in its powers by Section 167—the list of accessible vehicles—but there is also a practical problem with extending the list of accessible vehicles, which is entirely due to the way that taxi licences work outside London. The problem is that outside London hackney drivers usually buy the cast-offs of London cabbies, which at least now tend to have ramps, even if they are not maintained properly, because taxi drivers outside London have a substantially reduced audience for fares and therefore a much lower income. There is much less private car ownership in London, which is one reason why hackneys have done well over the years. I say sorry to all the cabbies who might read this because I know that they do not believe their income is good, but compared with that of those in rural areas, it is. This means that drivers outside London cannot afford the capital investment required to buy a wheelchair accessible vehicle—a WAV. The other problem is that they do not have the capacity to work together with manufacturers and a group of licensing authorities in the way that happened in London. I commend the noble Lord, Lord Borwick, on his work on that because it made a real difference.

Noble Lords will be aware that the deregulation of the number of taxi licenses has meant that in rural areas there are, frankly, too many cabbies touting for business, and they struggle to get a living from it. This is not an apology, but an explanation of the problem because the problem for disabled passengers will not be resolved until there are enough wheelchair taxis available.

I shall focus on the problem we face outside London. The handful of wheelchair accessible vehicles in most areas usually have county council contracts to drive disabled children to special schools. That means that in Watford—and from my travels around the country in my past role as president of my party I know that it happens in many other places—you cannot get a wheelchair taxi between 7.30 am and 9.15 am or between 2.30 pm and 4.30 pm. You cannot get one in the evening either because those taxis work only during the day. That means that wheelchair passengers outside London do not get the choice of when to use a taxi, so frankly it is pretty useless.

The noble Lord, Lord Boateng, made an important point about WAVs being available as well as about the lack of charging points being critical. What he did not mention is that far too many of the motorway service stations that have been adding EV charging units have done so by taking out disabled spaces right next to the service station and literally moving the disabled spaces to the other side of the car park.

The noble Lord, Lord Mann, talked about using taxis to get to sporting venues. I have been a lifelong supporter of Southampton FC. I cannot guarantee getting a disabled taxi in Southampton, for all the reasons that have already been mentioned, but for the past 10 years I have been able either to take a train or to park my car on the edge of the city and get a bus to the St Mary’s Stadium because, ahead of many others, as the new stadium opened, wheelchair access on the bus service was ensured.

My noble friend Lord Addington made the important point that Ministers need to ensure that not only are the remaining gaps in disabled people’s access to taxis and PHVs completed but that all the provisions in the Equality Act are fully commenced and, equally importantly, reviewed to make sure that they are working. I am really concerned that the practical problems I have outlined for drivers outside London will not resolve the issue. We need to monitor this. I applaud the suggestion by the noble Lord, Lord Borwick, for a meeting with the Minister and the Minister for the Disabled. Can I cheekily ask whether I might be able to join that meeting?

Regardless of my concerns, I support the Bill. It is important that these steps are taken to go forward, but we need to be careful in thinking that this is going to be a universal answer to the access issues that disabled people face in getting taxis and private hire vehicles.

12.04 pm

Lord Rosser (Lab): I, too, congratulate the noble Lord, Lord McLoughlin, on his sponsorship and advocacy of this Bill in this House. First, I declare an interest as vice-chairman of Level Playing Field, an organisation that promotes, protects and seeks to further the interests of disabled supporters of football and other sports. In that regard, I certainly support the comments made by the noble Lord, Lord Mann, about stadia and accessibility. There are also issues inside stadia which can be significant, but I have to say that, overall, the position has improved in recent years.

I congratulate my noble friend Lord Boateng on his comments. I hope this comment will not be misinterpreted, but it was nice to hear a speech in this House about electric vehicle charging points and the necessity for them which went somewhat beyond provision on the Parliamentary Estate.

This Bill amends sections of the Equality Act 2010 relating to disabled people’s use of taxis and private hire vehicles. Its purpose is to reduce discrimination against disabled people by addressing the barriers, which have been set out all too clearly, that they face when accessing taxi and private hire vehicle services. The Bill creates new offences related to drivers and operators of such vehicles in Great Britain. In saying that, we, like the noble Lord, Lord McLoughlin, recognise that the clear majority of drivers and operators treat disabled people with the respect and care that they deserve and, indeed, are entitled to expect in a civilised society. Unfortunately, a small minority do not always do so, as has been said during the course of this debate.

The Bill completed its passage through the House of Commons some two weeks ago. It had our support in the Commons and has our support in your Lordships’

[LORD ROSSER]

House. Only wheelchair and assistance dog users currently have specific rights and protections under the Equality Act 2010 in respect of taxis and private hire vehicles. The terms of the Act exclude wheelchair users who can transfer into a non-wheelchair accessible vehicle and fold their wheelchair from the protections and provisions of mobility assistance when using a non-designated wheelchair accessible vehicle or private hire vehicle. The Act also excludes all other disabled passengers who do not use a wheelchair from such protections when travelling in any taxi or private hire vehicle.

The Bill remedies this deficiency by creating a new duty to ensure that drivers of taxis and private hire vehicles do not refuse carriage to a disabled person who could reasonably travel in that vehicle at no extra charge and a new duty to make every effort to ensure that the disabled passenger feels comfortable and safe while travelling among other related duties, including duties particularly geared to the needs of visually impaired passengers and those with learning difficulties or cognitive impairments. As we know, disability can come in many forms, and that is often overlooked or not fully understood or appreciated.

The figures show that people with mobility difficulties made more than twice as many trips by taxis and private hire vehicles than those with no mobility difficulty in 2020. The Department for Transport's September 2021 data on transport accessibility and mobility indicated a similar pattern over the past decade, with people with mobility difficulties making more trips by taxis and private hire vehicles than those with no such difficulty.

Disabled people are not a small minority group and, frankly, even if they were, it would not affect the necessity for legislation. Some 14 million people in the UK, about 22% of the overall population, report having a disability. As I understand it from the figures, of those around 1.2 million use wheelchairs with two-thirds of them being regular users.

I want to make some points and ask some questions, to which I imagine the Government will wish to respond since they rightly support the Bill. According to a 2019 survey by Scope, the disability charity, 30% of disabled people said that

“difficulties with public transport have reduced their independence.”

Four in five said they felt

“stressed or anxious when ... planning or carrying out a journey.”

Frankly, that situation will not have been helped by the above-inflation increases in public transport fares and the reduction in bus services and routes which, as I understand it, has contributed to a reduction of some 25% in the number of elderly and disabled passengers.

The shortfalls in public transport mean that a taxi is the only realistic option for getting around for many disabled people. As the Conservative MP for West Dorset put it at Third Reading in the Commons a fortnight ago,

“the dependence on taxis, because of the absence of rural bus services, particularly for disabled people, is an ongoing concern. For the past two and a half years, or just under, since I was elected, we have seen a considerable reduction in rural bus services.

That has put undue pressure on those who do not have their own car, particularly those who are disabled, who need to get to the hospital, who need to go to the doctors and the dentists, who need to go shopping—the most basic of things.”—[*Official Report*, Commons, 18/3/22; col. 1178.]

The need for this Bill, giving people with disabilities more rights when travelling by taxi and private hire vehicle, is clear, although the Government should perhaps reflect on the reality that the need is even greater because of the shortfalls in public transport that have occurred—not least in more rural areas, as the MP for West Dorset said.

Putting new and much-needed rights on the statute book is only part of the equation, though. Unless those rights result in a real improvement in the experience of disabled people, they will not have any impact. To do that, they have to be applied and enforced. As has already been mentioned, it will be mandatory for local authorities to make and maintain a list of wheelchair-accessible taxis—an issue on which the noble Lord, Lord Borwick, raised pertinent questions. How big an exercise do the Government think maintaining the lists will be for cash-strapped local authorities, which have seen their funding slashed since 2010? The lists will be meaningful and able to be relied on only if they are kept up to date. I do not know what workload that will constitute for local authorities. Maybe the Government will be able to assure me that it will not be a significant workload, but it would be helpful to hear the Government's view on that. How big a job will that be for local authorities that, frankly, are short of resources?

What action will the Government take to ensure that taxi and private hire drivers are aware of the terms of this Bill, and their responsibilities under it, before its provisions come into effect? That will be quite crucial. Advice and training on the full range of disabilities and the nature of the help and assistance required in each instance will be needed. The point has already been made, not least by the noble Baroness, Lady Brinton, about the consequences if the training is not meaningful, not understood and not then applied. Who will provide this much-needed training, and who will pay for it? Disabled people will also need to be made aware of their rights under the Bill. Who will be responsible for ensuring that this is done, and how? Who will pay the cost? I assume it will be a bit more than just the production of a few leaflets to be handed around.

Finally, at the beginning of this year the Department for Transport said it would

“develop a new Disabled Persons Passenger Charter for bus, coach, taxi, private hire vehicle and rail”

travel in England that would provide disabled people with

“a clear explanation of their rights”.

I am sure that everybody would support that. I ask this question not knowing the answer: where are we with this new charter, which obviously is very relevant to the Bill?

I reiterate that we support the Bill and hope it delivers on its worthy and much-needed objectives.

12.15 pm

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): My Lords, I am grateful to all noble Lords who have taken part in this thoughtful and wide-ranging debate. I thank my noble friend Lord McLoughlin for explaining the rationale for the Bill and its contents so thoroughly and for taking over the reins from my right honourable and learned friend Jeremy Wright, the Member for Kenilworth and Southam in the other place. He was the one who successfully steered the Bill through to your Lordships' House.

I am pleased that the Bill has cross-party support and can confirm that the Government fully support it. If passed, it will support our ambition that disabled people should have the same access to transport as everyone else. The importance of the Bill is not to be underestimated. It aims to reduce discrimination against all disabled people, address the barriers they face, prevent overcharging and ensure appropriate assistance when they travel by taxi or private hire vehicle, PHV.

When we talk about disabled people, we are not talking about a small fraction of society. The noble Lord, Lord Rosser, said it is about 14 million people, and in the figures I have it is 13.7 million disabled people in Great Britain; that is about one in five of the population. The stats say that disabled people make twice as many journeys by taxi and PHV as non-disabled people. They are a lifeline to so many people, so the Bill's impact could be significant and wide ranging. I am sure all noble Lords will agree that any disabled person should be able to reasonably travel in a taxi or PHV. That so many disabled people remain without these protections is an unacceptable situation that, I am pleased to say, the Bill will correct.

The Government publish data on prosecutions for offences committed by taxi and PHV drivers in relation to assistance dog refusals and wheelchair user discrimination in England and Wales. I was quite surprised at how few prosecutions actually reach the final stages: there were just 14 in the year ending 31 December 2020. Most of those were for failing to accept bookings to carry assistance dogs. However, we know that in 2019, for example, 81% of prosecutions led to a conviction. The message is that if a disabled person feels that they have been wronged, I think all noble Lords would join me in encouraging them to come forward. We really need to make sure that people who are not abiding by the law as it stands, or will stand in future, are held to account. We know that there is an issue there.

We also know that certain disabled people may not be coming forward as much as they could. I take the point from the noble Lord, Lord Rosser, about ensuring that disabled people are fully aware that the law has changed. It is always of great interest to hear the noble Baroness, Lady Brinton, speak on this matter, because she is a wheelchair user and really understands the law. Any taxi driver who crosses her is in for a little bit of a rough ride.

The Bill extends to Scotland and Wales, as noble Lords have pointed out. I would like to reassure noble Lords that we have had discussions with the Scottish

and Welsh Governments, who agree to the measures in the Bill. The Bill does not apply to Northern Ireland, in line with the Equality Act 2010.

My officials have also discussed these policy proposals with a wide range of local authorities and taxi and PHV representatives. The responses have been generally positive, reflecting the view, mentioned by so many noble Lords, that most drivers already provide an accessible service; they are happy to do so, and it is a minority we need to bring up to the standards we would expect. I also let noble Lords know that we have engaged regularly with the Disabled Persons Transport Advisory Committee, the Government's statutory adviser on the needs of disabled people, and its advice has been added to this Bill.

The noble Lord, Lord Rosser, mentioned resources and the impact on local licensing authorities. Local licensing authority functions in relation to taxis and PHVs tend to be self-funded from the system as a whole, rather than from the taxpayer. Our experience is that, while authorities may experience an initial increase in costs relating to the processing of applications for exemption from the new requirements, or when preparing lists of wheelchair-accessible vehicles for publication, the Government do not expect these to be disproportionate.

To answer the point raised by my noble friend Lord Borwick, it is the actual vehicles rather than the vehicle types that are put on the list. To date, two-thirds of authorities have designated vehicles as being wheelchair accessible, and so have implemented the existing Section 165 protections. We are not aware of the implementation cost having been a barrier for them or having been particularly significant. It will be for licensing authorities to decide which accessible formats it would be reasonable to provide for their list of designated vehicles. However, licensing authorities have existing duties under the Equality Act 2010 to make reasonable adjustments to enable disabled people to access their services, and these duties of course extend to the provision of information.

To ensure that the changes get out into the system, oversight of and support for taxi and PHV drivers and operators is provided by the local licensing authorities and, if the Bill is passed, the current *Access for Wheelchair Users to Taxis and PHVs* statutory guidance will be updated to support local licensing authorities to implement the requirements under these new duties. The licensing authorities will be responsible for ensuring that their licensed drivers are aware of the new responsibilities.

A number of noble Lords mentioned disability awareness training and I took the point made by the noble Baroness, Lady Brinton, that sometimes it needs to be improved: absolutely, it must always be improved, but it must also happen. We are looking very carefully at disability awareness training and making sure that it is more widespread. This Private Member's Bill is narrowly drawn to ensure that we maximise the chances of getting it through, but I also reassure noble Lords that the disability awareness training issue is top of mind. In 2021 about half of local licensing authorities required taxi drivers to undertake disability awareness training and 46% required PHV drivers to do the same.

[BARONESS VERE OF NORBITON]

Noble Lords may have seen—I think it was this week or last week—that we published a consultation on updated best practice guidance for local licensing authorities. We included in it a much stronger recommendation that every driver is required to complete disability awareness training. Noble Lords may say “Well, that’s not enough”, and I agree. This Government will, as soon as legislative time allows, mandate the completion of disability awareness training through national minimum standards for taxi and PHV licensing. We would be very pleased to work with the noble Baroness, Lady Brinton, on how we make it as effective as possible. That will be just one of a suite of measures coming through in future on a range of issues relating to taxis and PHV licensing. I am looking forward to discussing them with your Lordships soon, I hope.

A number of issues were raised, and I will write in much greater detail than I am able to respond today. I am also very happy to meet my noble friend Lord Borwick. As the noble Baroness, Lady Brinton, was speaking, I was thinking that she should join the meeting with my noble friend Lord Borwick—so she is duly invited.

The noble Lord, Lord Boateng, mentioned EV chargers—a topic which always exercises your Lordships’ House, and quite rightly. We take accessibility of EV chargers very seriously, so I offer him a meeting with my colleague, Minister Harrison, who is responsible for EV chargers. She will be able to talk about what we have done, and we would be very interested to hear what we should do to make sure they are accessible.

I take forward the point raised by the noble Lord, Lord Mann, about transport to football matches. I will take that away; I will look at *Hansard* to see exactly what he said and where we might be able to do something. It is a really important point. Accessibility in football has improved enormously, but if you cannot get to the match it is pointless the stadium being more accessible. My nephew, who is a wheelchair user, is a massive fan of Manchester City and a season ticket holder. He really enjoys his journeys there. It is a huge boost for him to go to the stadium and I would like to make sure we do as much as we can for transport as well. So I will have a look at that and see what more we can do.

I take the point made by the noble Baroness, Lady Brinton, about the availability of wheelchair-accessible vehicles. It is a very significant issue. There is not necessarily a straightforward solution, but we must look at all the issues she raised and see what we can do to improve availability, because I agree that it is not good enough at the moment.

I am grateful once again to everybody who has taken part in the debate today and I look forward to supporting the Bill as it continues its passage.

12.26 pm

Lord McLoughlin (Con): My Lords, I echo my noble friend in thanking noble Lords who have taken part so far. A number of points have been made about my experience in getting legislation through the other place. I may have experience in the other place, but I am a mere apprentice as far as your Lordships’ House is concerned. I am learning all the time; I have learned about this little device—the gap—that I never knew existed. That apprenticeship has hopefully taught me a lesson this morning.

Having listened to the debate, I realise I should also have pointed out my interest as chairman of Transport for the North at the beginning. The noble Lord, Lord Boateng, spoke about electric vehicles and made a very important point about future development and rollout. I also thank the noble Lord, Lord Mann, for expanding the subject to going to football grounds. I will refrain from saying anything about Derby County, as I have done on other occasions during this debate. We are hopefully becoming much more aware of, and more understanding about, accessibility across the whole piece.

I thank my noble friend Lord Borwick for the vast experience he brings to the debate. I think he said that the Bill was a “shuffle in the right direction”. If it is, I regard that as fair backing, because it is perhaps a journey we have got to get through. The noble Baroness, Lady Brinton, brought her personal experience to the debate; it is one of the richnesses of your Lordships’ House that we get that kind of contribution from people with wide and broad experience across the whole field. Some of the points she made were very telling and need to be addressed, such as the practical implications, because quite often legislation is passed and we do not always think about the practical implications. Sometimes they are seen only after a Bill has gone through all its stages, and we should reflect on that.

The noble Lord, Lord Rosser, gave his support from the Opposition Front Bench with the usual caveats of “We will support this, but this is all that’s wrong with it and everything else you need to do”. The Minister pointed out that licensing is and should be self-funding and therefore that it should not put extra costs on local authorities—but the Bill is putting a responsibility on local authorities, which I think everybody basically welcomes. I thank all those noble Lords who have taken part in the debate for their support.

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

House adjourned at 12.29 pm.