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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

ORDER OF BUSINESS

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The abbreviation [V] after a Member's name indicates that they contributed by video call.

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

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

No party affiliation is given for Members serving the House in a formal capacity or for the Lords spiritual.

House of Lords

Tuesday 26 April 2022

2.30 pm

Prayers—read by the Lord Bishop of Guildford.

Ukraine War: UK Food Security

Question

2.36 pm

Asked by ***Baroness McIntosh of Pickering***

To ask Her Majesty's Government what assessment they have made of the current state of food security in the United Kingdom as a result of the war in Ukraine.

Baroness McIntosh of Pickering (Con): My Lords, in begging leave to ask the Question standing in my name on the Order Paper, I refer to my interests in the register.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Benyon) (Con): My Lords, I refer to my entry in the register. I start by paying tribute to Lord Plumb. He had an extraordinary influence on British agriculture and on this place, and his voice needs to be the voice in our heads as we consider Questions such as this.

The UK's food import dependency on Ukraine and Russia is very low, so the conflict is expected to have limited direct impact on the UK food supply. However, Russia and Ukraine are major global exporters of food commodities, so increases in international commodity and fuel prices are putting pressure on food supply chains. The Government are engaging with industry to understand and mitigate any impacts of the conflict on individual industries and supply chains.

Baroness McIntosh of Pickering (Con): I join my noble friend in paying tribute to Lord Plumb, who gave me my first job in politics in 1982 in the European Parliament.

Given the increasing threat to food security, and the fact that the Agriculture Act and the Environment Act were passed before the hostilities in Ukraine and the rising cost of inflation, will my noble friend promise to keep the phasing out of direct farm payments and the introduction of environmental monies for public goods under review to ensure that food production remains the top priority for farmers, to boost our self-sufficiency? Will he promise to keep market and supply chains under review, and will he take this opportunity to inform us about the programme for seasonal workers, particularly those in fruit and vegetables?

Lord Benyon (Con): I absolutely understand people's concerns about the current situation and its effect on farming. The basic payment scheme and area payments have had their day and are indefensible. Some 10% of landowners got over 50% of the BPS budget, and the smallest farmers—one-third—got less than £5,000. What we are proposing is different and it offers farmers much more choice to support their businesses. My noble friend raises a very important point about the market, and we are working very closely through the UK Agriculture Market Monitoring Group, which monitors UK agricultural markets, including price supply inputs, trade and recent developments, and we have increased our engagement with the industry. There is much we can do to support farming at this difficult time, and we will continue to do so.

On seasonal workers: we have 30,000 visas agreed and that can be extended to up to 40,000. Our current negotiations with the industry suggest that this is enough, but we are keeping it under review.

Lord Carrington (CB): My Lords, I declare my interests as a farmer, as set out in the register. In view of the current inflation figures of between 24% and 28% for farming inputs, and the considerable uncertainty of being able to pass these costs on to the food retail sector, there is a substantial danger that farmers will turn away from food production to less risky and guaranteed income provided by the countryside stewardship scheme, hence exacerbating the food supply problem. Can the Minister tell us what measures he is taking to protect and encourage food production and supply in this country?

Lord Benyon (Con): Food production remains of central importance to our agricultural reforms and there is much that we can do and are doing to help farmers at this difficult time. The noble Lord is right to talk about the massive increases in input costs, such as fertiliser. We have announced recently a whole range of measures which will ease this for farmers, but we recognise that they are making decisions about next year's cropping today—now—and we have to support them and encourage as many as possible to produce food. The strong price for wheat and other crops seems to suggest that they will continue to do so, but we will keep that under review.

Lord Clark of Windermere (Lab): My Lords, the noble Lord mentioned in his Answer the increase in prices due to the effect of Russia and Ukraine on world trade. If food prices go up, say, above 6% or 7%, will the Government cap the price of food?

Lord Benyon (Con): No, it will not be for the Government to cap prices. Price-capping policy has been disastrous in the past, but there are other ways to support people on low incomes. The Government are spending many billions of pounds addressing the rise in household costs, and we will continue to do that.

Baroness Bakewell of Hardington Mandeville (LD): My Lords, food security is at risk, and the Government have no target to bolster food security and food chain resilience. They have targets to secure biodiversity and tree planting. In 1984, the UK's overall food self-sufficiency was 78%, but in 2021, it was down to 60%. Why are there no ambitious statutory targets for self-sufficiency in the UK food sector that would take us back to a more sustainable level?

Lord Benyon (Con): There is a measure in the Agriculture Act that requires the Government every three years to produce a report on our self-sufficiency, which we did at the end of last year. It has remained relatively constant, and we are not complacent. At the moment, we are 88% self-sufficient in wheat. The remainder, mostly milling wheat, comes from Canada, and is therefore not affected by this problem. We are 100% self-sufficient in poultry, eggs, carrots, swedes, soft fruit, liquid milk and lamb, and 86% in beef. However, we have a requirement from the population; for example, we have seen an increase of five times in the amount of rice that we consume. We have to address that, but this Government are very keen to make sure that we are doing everything we can to support self-sufficiency.

Lord Hannan of Kingsclere (Con): My Lords, the United Kingdom has made the welcome announcement that we are abolishing all tariffs and quotas on Ukrainian imports, including agri-foods. Will my noble friend the Minister join me in urging other countries to make the same gesture, especially our allies in the European Union? Following the blockade of Ukraine's Black Sea ports, all its goods exports must now transit across EU territory.

Lord Benyon (Con): Supporting our friends through liberalising trade is an important way in which we can help a country such as Ukraine. It is just part of a wide range of support that we are giving over and above our defence support; we will continue to do so.

Baroness Jones of Whitchurch (Lab): My Lords, I echo the Minister's tribute to Lord Plumb, who was respected all around the Chamber. However, does the Minister agree that it is shocking that around half a million people in the UK are now forced to use food banks because of soaring food prices? He talked about the Government putting money into this, but what are the Government actually doing to help hard-pressed families who have to make a choice between feeding themselves and heating their home? Where is the action on that? Families are facing this dilemma every day.

Lord Benyon (Con): I do not have time to go through the long list of the many measures we are taking to support families at this time. For example, we are providing £35 million to support schools in disadvantaged areas to provide breakfast, and Healthy Start food vouchers are increasing from £3.10 to £4.25. The reasons why people have to access food banks are many and varied. The issue requires a cross-government approach, looking at all sectors of expenditure; we are working across government to do that.

Lord Curry of Kirkharle (CB): My Lords, I too pay tribute to Lord Plumb, who was a father figure to many of us who are involved in agriculture today. I have a very simple question for the Minister. During the passage of the Environment Bill, the Government refused to accept that food security was a public good. In the light of the global crisis and inflation, can the Minister confirm that food security is now regarded as a public good?

Lord Benyon (Con): I am happy to do so. Food security is absolutely at the centre of what we are seeking to achieve in supporting farmers to think as entrepreneurially as they can and recognise that they have been constrained in the past by a system that now allows them to provide exactly what society needs and produce more, good-quality food.

Baroness Bennett of Manor Castle (GP): The Minister referred to farmers. Given the now extremely high fixed cost of artificial fertilisers and pesticides—these inputs also have massive environmental impacts in terms of damage to soil, water and air—and that some farmers are already productively and profitably farming and producing good-quality food without such inputs, are the Government planning an emergency effort to support farmers in sharing their agroecological knowledge, drawn from organic farming, regenerative agriculture and integrated farm management systems, and to provide free advice to farmers?

Lord Benyon (Con): I am sure that the noble Baroness will welcome the fact that there is a significant shift towards regenerative farming, which will address precisely that issue. In emergency terms, through the sustainable farming initiative and our soil standard, we are encouraging farmers to plant nitrogen-fixing crops, which will reduce the need for synthetic fertilisers.

Global Positioning System

Question

2.48 pm

Asked by ***Lord West of Spithead***

To ask Her Majesty's Government what is the United Kingdom's fallback should Global Positioning System (GPS) services be (1) disrupted by an enemy, or (2) damaged at the peak of the solar cycle in 2025.

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, I think I would back the noble Lord to get me home safely using dead reckoning. But he is absolutely right to raise the issues of precision and resilience in relation to the importance of position, navigation and timing to the UK's prosperity and security, including the real risk of disruption. We are actively examining the critical dependencies we have on GPS to inform the measures needed to defend our critical national infrastructure.

Lord West of Spithead (Lab): My Lords, I thank the Minister for his Answer. It does not really help in terms of what I actually asked but there is no doubt whatever that the impact of the loss of PNT is almost existential. Banking, trade transactions and all areas of transport and food supply would all be affected and in complete chaos. The signals from GPS and Galileo are very vulnerable. The strength of those signals is less than some of the cosmic signals coming from the stars. They can therefore be intercepted and adjusted very easily; the Chinese and Russians have already

done this. It is absolutely essential that the national PNT strategy, which is being worked on, is brought forward as a matter of urgency. There will be a real risk to this nation if we do not do that. Is there any thought in that strategy of having a terrestrial, high-strength power system to be a fallback should we lose the satellite systems because of satellites either being knocked out, which our enemies can do, or being interrupted by other electronic means?

Lord True (Con): My Lords, I did try to answer the Question, and I agree with the noble Lord in his original Question that this is important. The review to which he referred has concluded, and it identified overreliance on GPS and other space-based systems. It looked at numerous use cases across the economy and recommended a system-of-systems approach as being the best fit for the UK, which would obviously include examination of ground or lower-level alternatives. The review concluded that the Government should support resilience by exploring new systems, and a whole-of-government effort is necessary to do this. That is under way and will be led by BEIS.

Lord Lancaster of Kimbolton (Con): My Lords, I remind your Lordships' House of my interest as director of reserves at UK Strategic Command. The UK Government have invested some $500 million in OneWeb, which was viewed by some as a very expensive insurance policy as part of the Brexit negotiations. However, because of its low-orbit technology and its second-tier satellites, does this not present a potential opportunity to solve the problem that the noble Lord, Lord West, has put before the House today and also provide a return on investment for UK taxpayers?

Lord True (Con): My Lords, we have always been clear that the possible provisioning of PNT services was not actually the rationale for our investment in OneWeb. The spaced-based positioning, navigation and timing programme analysed a number of ideas for concepts in low-earth orbit, and OneWeb was one of the many companies contributing to that. It is primarily a telecoms operation and that is where its primary focus is. However, we are not ruling out that low orbit and so on may play a role in future services.

Baroness Smith of Newnham (LD): My Lords, the United States' space-based PNT policy suggests that:

"GPS users must plan for potential signal loss and take reasonable steps to verify or authenticate the integrity of the received GPS data and ranging signal, especially in applications where even small degradations can result in loss of life."

What advice do Her Majesty's Government give to GPS users in this country?

Lord True (Con): My Lords, users in this country certainly need to be aware of the potential difficulties, including space weather. The year 2025 is expected to have quite a high level of solar activity. Overall responsibility for providing facilities and back-up falls on the Government, which is why we conducted the review and are taking some of the measures that I have intimated to the House.

Viscount Stansgate (Lab): My Lords, the 2025 solar cycle is a serious issue. Can the Minister assure the House that the Government are in regular touch with the Royal Astronomical Society, which embodies an enormous amount of expertise in this and other areas related to astronomy and the sun?

Lord True (Con): My Lords, I have referred to space weather and the solar cycle, and I agree with the noble Viscount that it is important because at the height of the solar cycle it can disrupt or block access to GPS. We are expanding our space weather monitoring capability, and this will contribute to active correction of GPS as the authorities improve their accuracy. We are also undertaking the other measures that I have mentioned to allow back-up resilience.

Lord Bowness (CB): My Lords, in a Written Answer in January 2022, the Government stated that they were "considering the findings" of the space-based positioning, navigation and timing programme

"to determine the next steps as part of the business planning process."

Is the Minister able to tell us what they have decided, or when they expect to decide on the next steps? Regarding the noble Lord's question about OneWeb, am I to assume that we do not expect OneWeb to play any part in this important decision, particularly since our shareholding, as I understand it, has now been reduced from the proclaimed 45% when we bought it to 17% now?

Lord True (Con): My Lords, there were several questions there. I referred to the position on OneWeb earlier. I also said that the Cabinet Office review had now concluded and that we were working towards a system-of-systems approach. The UK has a range of PNT-related programmes in development across a number of departments: the National Timing Centre at BEIS; a robust global navigation solution that MoD is working on; and the space-based augmentation service for aviation and maritime safety, which DfT is working on. There are a number of other science and technology investments, but I do not wish to take too much of your Lordships' time.

Baroness Smith of Basildon (Lab): My Lords, the Minister will be aware of the House of Lords special inquiry which reported in December 2021, *Preparing for Extreme Risks: Building A Resilient Society*, which examined the very issue raised by my noble friend Lord West. At the heart of this is how the Government prepare for risk across a range of issues. Will he look at the risk register and how it is used by government? At the moment, the risk register considers the probability of an event that is regarded as a risk happening within the next two years. We are aware that, in preparing for risks, you have to look at a much longer time span than the next two years. If we look back at preparation for the pandemic, for example, we see that we did not look far enough ahead. Will he take back to government and perhaps report back to your Lordships' House and respond to the committee report on horizon scanning over a 10 or 20-year period, rather than the two-year period that is currently undertaken?

Lord True (Con): My Lords, the noble Baroness makes some fair observations and, as I said, the noble Lord raises an important question, which the Government do not underestimate. We are currently updating our risk assessment on the critical dependencies that we have on GPS and other positional, navigation and time data sources. This will inform the measures we are taking under the various programmes I mentioned to the House. These potential threats need consideration; resilience is vital, and the Government will seek to address it.

Lord Fox (LD): My Lords, in an earlier answer, the Minister set out a variety of different programmes and initiatives. Where is the guiding hand, and what is the guiding hand for this? How often are these many and various programmes assessed against each other, and when might we see how they move forward?

Lord True (Con): My Lords, my right honourable friend the Secretary of State for BEIS wrote to the Science and Technology Committee of the House of Commons on 25 March setting out the position and saying that his department would be leading the co-ordination—subject, obviously, to continuing resourcing. As the noble Lord acknowledges, the matter involves other departments, but the authoritative letter on the record from my right honourable friend sets out the position on co-ordination.

Lord Sterling of Plaistow (Con): My Lords, is my noble friend aware that for some 10 years Trinity House, London has had a specialist unit on this subject? It is unquestionably true—exactly as the noble Lord, Lord West, stated—that the Americans, the Russians and the Chinese are streets ahead of us. I am only surprised that nothing has happened as yet. As for what might happen and choosing ideas, it could happen at any time.

Lord True (Con): My Lords, I think the whole House recognises the expertise of the first questioner and the last speaker. Yes, hostile threats are potential and potentially real, and the Government take that very much into consideration. We know that China and Russia are actively pursuing hostile space capabilities, and that is very much part of our thinking.

Emergency Services: Ministers of Religion

Question

2.59 pm

Asked by ***Lord Moylan***

To ask Her Majesty's Government what plans they have to put in place a multi-professional strategy for the emergency services concerning the attendance of ministers of religion at the scene of situations involving serious injury.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, a working group bringing together representatives from policing and the Catholic Church has now concluded its exploration on the issue of access to crime scenes for religious ministers. Decisions regarding access in such situations remain an operational matter. However, the College of Policing has now published revised guidance on managing investigations, reflecting those discussions and wider input. As a result of those changes, we do not have any plans to pursue a multiprofessional strategy.

Lord Moylan (Con): My Lords, I congratulate my noble friend and the Government on taking action on this delicate matter, which came to prominent attention at the time of the tragic murder of Sir David Amess. I welcome the new guidance. It recognises explicitly the convention rights of both the dying and their families in these emergency crime scenes. But it remains, as my noble friend says, entirely an operational decision for the police. What mechanism is my noble friend going to put in place to ensure that the revised guidance leads to a change in practice?

Baroness Williams of Trafford (Con): I thank my noble friend for his congratulations. At the moment I am not subject to much congratulation, so I take it where I can get it. I totally agree with him. It might seem like a small step, but it is a huge step for many families who might have found themselves in the same position as Sir David Amess. Guidance is being distributed to forces, and I know that forces were keen to have clarity on what to do in such situations. Coming back to my first point, it is of course an operational matter.

The Lord Speaker (Lord McFall of Alcluith): My Lords, we have two virtual contributions. First, we will hear from the noble Baroness, Lady Masham of Ilton.

Baroness Masham of Ilton (CB) [V]: My Lords, would the Minister agree that communication is vital? Will there be a list of priests in each area, with telephone numbers, who could be available if a priest were needed to give the last rites in serious injury cases?

Baroness Williams of Trafford (Con): I think that is a very interesting question. Obviously, it might not be entirely predictable where priests might be in the case of a serious incident, but it is certainly true that, in circulating the guidance, police will now be far better informed about how to go about these requests should they arise.

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

Baroness Harris of Richmond (LD) [V]: My Lords, I declare an interest as the former president of the National Association of Chaplains to the Police, which I helped to establish over 30 years ago. There were then only two or three chaplains in the whole country; now there are almost 500, most of whom are volunteers, who do a superb job helping and supporting the police service. Will the Minister ensure that Police Chaplaincy UK is fully supported by the Government and is soon, I hope, enshrined into the police covenant?

Baroness Williams of Trafford (Con): I do not think there is any doubt that the police chaplaincy service is fully supported by the Government. It provides a vital service at critical times to people in need. I cannot say further than that, but what I will say to the noble Baroness—and I congratulate her on the work she does—is that the Government fully support the service.

The Lord Bishop of St Albans: My Lords, this is a delicate area, especially when we are dealing with crime scenes or potential crime scenes. Nevertheless, do Her Majesty's Government have any plans to ensure how this information will be rolled out in training people who are going to be in charge of these scenes? Is there going to be any monitoring to ensure that this is available? The sacrament of the last rites is a fundamental religious principle for many people. Can we have some assurance that this is going to be monitored?

Baroness Williams of Trafford (Con): I am sure it will be monitored, for the very reason that we need to be very clear that the police should be able to do the job that they have to do at the scenes of what might be quite critical incidents. They need to have the freedom to make those judgments but also be mindful of the wishes of people who might want to have a priest or religious leader with them at the time of critical illness or nearing death. I say to the right reverend Prelate that there is certainly further learning to be done on this, but I think this is a very welcome step forward.

Lord Cormack (Con): My Lords, has thought been given to arranging for all of us to carry something similar to a kidney donor card in this context? One of the saddest aspects of the appalling murder of Sir David was that he was denied the last rites. He was a devout Roman Catholic; he would have expected to have them. If we could have a degree of co-ordination, so that all of us, if we wished, could carry such a card, perhaps that could be of some help.

Baroness Williams of Trafford (Con): I will certainly take that suggestion back.

Lord Ponsonby of Shulbrede (Lab): My Lords, last month, as the Minister said, the College of Policing updated its guidelines to allow for the attendance of ministers of religion at the scene of a crime where appropriate, following a collaborative effort led by the Metropolitan Police and the Archbishop of Southwark. What steps will the Government be taking to review this decision and ensure that there are no unintended consequences of this welcome step? I note that a number of other questions from noble Lords have been about reviewing this decision and monitoring it to ensure that it is properly implemented.

Baroness Williams of Trafford (Con): The noble Lord and other Members of the House are absolutely right. We do not want any unintended consequences from this guidance—which has been developed very quickly, I might say—such as contamination of a scene, which might impede a criminal investigation. As with all things that we do, we will review this, and I am very happy to come back to the House in future months and see how it is working.

International Energy Agency Report

Question

3.06 pm

Asked by ***Lord Rooker***

To ask Her Majesty's Government what steps they are taking to implement the recommendations in the International Energy Agency report, *Playing my part: How to save money, reduce reliance on Russian energy, support Ukraine and help the planet*, published on 21 April.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): My Lords, we are working closely with the US, the EU and other partners to end dependence on Russian oil and gas in response to Russia's aggression in Ukraine, recognising the different circumstances and transition timelines. The net-zero strategy is the Government's plan to achieve a green, sustainable future, including how we will support the public to play their part in this transition. We note the report's recommendations and will continue to consider further steps to support the public.

Lord Rooker (Lab): My Lords, the UK is a member of the International Energy Agency, and I expected a more positive view. I fully accept that it is the Government's role to take the national and the global view, but people want to be able to play their part and feel that they are contributing, above donations and above helping refugees. The nine points in the plan are voluntary except for one: speed limits. We could save an enormous amount of energy if we reduced the speed limit to 60 miles per hour, as we did during the three-day week. It is not a massive inconvenience for people and it saves a lot of energy. While I am uncomfortable talking about boiler temperatures when millions of people in Ukraine are living below ground at the present time, the estimate is that this plan could save 220 million barrels of oil and 17 billion cubic metres of gas. It is worth a real push by the Government to get people to play their part.

Lord Callanan (Con): I do not disagree with the noble Lord. We are encouraging people to play their part and, of course, we encourage people to drive as slowly as possible and responsibly. We encourage people to turn down the temperature of their boiler if this can be achieved while still heating their home properly and providing the appropriate levels of comfort. Of course we will support people to make responsible choices.

Lord Howell of Guildford (Con): My Lords, I declare an interest in energy matters, as set out in the register, and a long time ago I was a rotating chairman of the International Energy Agency. The noble Lord, Lord Rooker, is quite right that increased efficiency and reduced oil intensity are ways to reduce the growth of demand and renounce Russian exports. However, is not the best way, in the very short term, to get the OPEC producers of oil and gas to increase their supply, which they can easily do, and bring down petrol and gas prices very quickly, which that would

[Lord Howell of Guildford]
do? As OPEC has broken with the IEA recently, should we not be pressing that issue much more directly with our so-called friends in the Gulf?

Lord Callanan (Con): My noble friend makes an important point. As well as encouraging OPEC to increase production, we are trying to increase production from our own domestic sources and ensure that there is increased investment in our own resources in the North Sea.

Lord Oates (LD): My Lords, has the Minister had a chance to read the excellent blog on this subject by the former clerk to the Lords Science and Technology Committee, Dr Simon Cran-McGreehin, which reminds us that, in 2012, 2.3 million insulation measures were installed in the UK before policy changes reduced that to an average now of 10% of the peak? Does he therefore agree that the quickest way to restore these levels would be immediately to appoint Liberal Ministers back to government, given that this was during the coalition? Failing that, will he consider which of the policies in place at that time could be adopted now to speed up building insulation, which I know he is as keen to do as the rest of us?

Lord Callanan (Con): The noble Lord will forgive me if I do not accept at least one of his policy recommendations. For that to happen, the Liberal Democrats would need to win an election, which is vanishingly unlikely in the current circumstances.

Noble Lords: Oh!

Lord Callanan (Con): However, the noble Lord knows well my support for insulation measures. Insulation—energy that we do not use—is the most efficient form of energy. We are rolling out a considerable number of measures. He will aware that, under ECO4, we are introducing support of up to £1 billion a year, as well as the social housing decarbonisation fund, the local authority delivery fund, the home upgrade grant, et cetera—all of which are rolling out insulation measures for the poorest members of our community.

Baroness Worthington (CB): My Lords, we are fortunate in the UK that our dependence on Russia for energy has been diminished thanks to successive policies to support renewable electricity, but is the Minister aware that just less than one in five litres of diesel comes directly from Russia? What plans does the noble Lord's ministry have to speed the transition from diesel to electric vehicles, which will save drivers money, increase our energy independence and clean our air?

Lord Callanan (Con): We are seeking to end imports of Russian oil by the end of this year. We already have one of the fastest transition periods to electric vehicles in the western world; we will ban the sale of petrol and diesel cars by 2030. We are already rolling out more efficient vehicles, although we should be aware of the cost of these to many families at the moment.

Lord Lennie (Lab): My Lords, the International Energy Agency report contains useful recommendations for citizens to use energy more efficiently and highlights the many benefits of doing so, but the Government do not seem to be leading by example. Why did the energy security strategy fail to deliver in this area and what steps will the Government take to ensure that sensible personal decisions are backed by them?

Lord Callanan (Con): Of course, it was regrettable that we did not manage to include some more insulation measures within the energy security strategy, but the Government always back people to take responsible decisions, as I mentioned in my Answer to the noble Lord, Lord Rooker. We want to support people to make responsible choices, whether in heating their home, in travelling or in their personal circumstances.

Lord Flight (Con): My Lords, surely it is time to develop fracking in the UK.

Lord Callanan (Con): The House has debated this subject on many occasions, and we will continue to be led by the science. My noble friend will be aware that the Secretary of State recently commissioned the British Geological Survey to have another look at the scientific evidence for fracking, but we cannot ignore the problems that were caused by the Cuadrilla test wells. If those objections can be overcome and we can gain the support of local communities, there is no reason why we cannot do it, but let us not think that this will be a short-term answer to our problems.

Baroness Jones of Moulsecoomb (GP): My Lords, speaking of responsible decisions, the last three words of the title of the International Energy Agency's report are "help the planet", yet the Government are currently subsidising polluting companies—for example, Drax—to the cost of £2 million a day. Will the Minister take that back to his department and explain that biofuel companies such as Drax do not produce renewable energy?

Lord Callanan (Con): To respond to that point would take longer than I have for this answer, but I disagree with the noble Baroness—although I have great respect for her—that biomass is not renewable. This has been studied at great length, and supporting Drax and other power stations to move to renewable sources of power with waste wood is an environmentally responsible thing to do, in our view. The energy pathway for that is audited.

Baroness Sheehan (LD): My Lords, in response to my Written Question of 24 March about government plans to encourage people to turn their thermostats down, the Minister referred me to the Met Office's WeatherReady campaign. This turns out to be a web page to help people prepare for severe-weather measures, such as putting on sunscreen and drinking more fluids. Therefore, let me put the question a different way: when will the Government launch a full-throttled campaign asking the British public to turn down either the heating or the air conditioning? This will save money, end once and for all our import of Russian gas, show support for Ukraine and reduce greenhouse gases—everything the Government say they want to achieve.

Lord Callanan (Con): There are, of course, very few people in this country who benefit from air conditioning; rather, it is heating that is the issue. Nothing will drive people to turn down their heating at the moment more than the current high gas prices. I am not sure that we need much of a government information campaign to encourage people to save money where they can, but we do not want it to be at the expense of people living in cold homes.

Baroness Neville-Rolfe (Con): My Lords, I echo the tributes paid to the amazing career of Lord Plumb, whom I remember so well in a previous commodity crisis as an interlocutor with the then Agriculture Minister, John Silkin. He was very effective. Given the somewhat limited scope of the IEA-promoted self-help that we have seen in this report, can the Minister remind us of what the Government are doing to insulate consumers, the elderly and struggling small businesses from the mushrooming of energy prices that we have seen?

Lord Callanan (Con): Indeed, I would be happy to help my noble friend and build on the answer I gave to the noble Lord, Lord Oates, earlier. We are spending from £750 million up to £1 billion a year on ECO 4. We are spending £6.6 billion over this Parliament on all the different insulation and energy-efficiency schemes that I mentioned earlier, delivering practical measures in hundreds of thousands of homes up and down the country. These very successful schemes are driving up the energy efficiency of the poorest households in the country. They are excellent schemes and worthy of the House's full support.

Arrangement of Business

Announcement

3.17 pm

Lord Ashton of Hyde (Con): My Lords, yesterday I updated the House on the arrangements for the consideration of Commons amendments and reasons scheduled for today. I thought it would be helpful to the House to do the same for two of the Bills that we will consider tomorrow. It is expected that the Commons will send back a message on the Judicial Review and Courts Bill today. We will consider their amendments and/or reasons tomorrow. The deadline for noble Lords to table amendments will be noon tomorrow.

We start today with the consideration of the Nationality and Borders Bill. Should these proceedings not resolve all outstanding questions on the Bill, the Commons will deal with the Bill again this evening. The House will then consider the borders Bill again tomorrow. The deadline for amendments for tomorrow's proceedings on this Bill will also be 12 noon.

Prorogation is now approaching fast. We currently have six Bills in play between the two Houses. We will update the House during the course of today and tomorrow on how proceedings will run. The Government Whips Office will also ensure that the latest information on how business will proceed, and deadlines for tabling amendments, are available on the annunciator. Members can, of course, speak to my office for advice.

Industrial Training Levy (Construction Industry Training Board) Order 2022

Motion to Approve

3.18 pm

Moved by ***Baroness Penn***

That the draft Order laid before the House on 16 March be approved. *Considered in Grand Committee on 25 April.*

Baroness Penn (Con): My Lords, on behalf of my noble friend Lady Barran, I beg to move the Motion standing in her name on the Order Paper.

Motion agreed.

Coronavirus Act 2020 (Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay) (England and Wales and Northern Ireland) Regulations 2022

Motion to Approve

3.19 pm

Moved by ***Lord Stewart of Dirleton***

That the Regulations laid before the House on 23 March be approved. *Considered in Grand Committee on 25 April.*

Motion agreed.

Licensing Act 2003 (Platinum Jubilee Licensing Hours) Order 2022

Motion to Approve

3.19 pm

Moved by ***Baroness Williams of Trafford***

That the draft Order laid before the House on 21 March be approved. *Considered in Grand Committee on 25 April.*

Motion agreed.

Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022

Motion to Approve

3.19 pm

Moved by ***Baroness Vere of Norbiton***

That the draft Regulations laid before the House on 7 March be approved. *Relevant documents: 29th and 34th Reports from the Secondary Legislation Scrutiny Committee. Considered in Grand Committee on 25 April.*

Motion agreed.

Glue Traps (Offences) Bill
Third Reading

3.20 pm

Motion

Moved by ***Baroness Fookes***

That the Bill do now pass.

Baroness Fookes (Con): My Lords, I will speak only briefly to pay a tribute to Jane Stevenson, my honourable friend in the other place, who had the initiative and drive to get this Bill through all its stages there. I felt privileged to take it through this House. I am also very grateful to the Minister, my noble friend Lord Benyon, for his co-operation, and to Defra officials, who suffered with great good humour my somewhat detailed examination of the Bill when it first arrived. I believe that it will contribute to animal welfare by ending a very cruel practice—or, at any rate, reducing it greatly. However, I am more concerned to see this Bill on the statute book than I am to listen to my own voice—so, on that point, I resume my seat.

Baroness Hayman of Ullock (Lab): My Lords, very briefly, I want to congratulate everyone who has been involved in bringing forward this important Bill. The noble Baroness, Lady Fookes, has done us all a service in bringing it to your Lordships' House—as did Jane Stevenson in the other place. So I welcome the Bill and thank the Government for their support.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Benyon) (Con): My Lords, I thank my noble friend Lady Fookes for her hard work in guiding this Bill through the House. I congratulate her on progressing the Bill to this stage with such determined enthusiasm. I am grateful to all the noble Lords who contributed at Second Reading, and I am pleased that the Bill has been widely supported across the House. I also thank my honourable friend Jane Stevenson, the Member of Parliament for Wolverhampton North East, for successfully stewarding the Bill through the other place.

We have been clear that high standards of animal welfare are one of the hallmarks of a civilised society. We already have some of the highest animal welfare standards in the world, but this Bill takes forward an important commitment in the Government's action plan for animal welfare to restrict the use of glue traps and make sure that, when rodents are dispatched, it is done in a humane manner. Throughout the Bill's passage we have heard about the extreme suffering that can be inflicted by these traps, and it is right to take them out of the hands of amateurs and ensure that they are used only by professional pest controllers when absolutely necessary, where there is a risk to public health or safety and there is no satisfactory alternative.

As well as thanking my noble friend Lady Fookes and my honourable friend Jane Stevenson for their dedicated work in progressing this Bill, I am grateful to the Conservative Animal Welfare Foundation for its support as we progress this important legislation. I also extend my thanks to all the animal welfare organisations, pest control organisations and suppliers that have engaged with my officials throughout the passage of the Bill. I know that my officials are looking forward to continuing their engagement with these organisations as the details of the licensing regime are rolled out. This Bill will add a vital part to our animal welfare legislation, and I look forward to seeing it on the statute book.

Baroness Fookes (Con): My Lords, I think everything has been said. Let us pass it.

Bill passed.

Approved Premises (Substance Testing) Bill
Third Reading

3.24 pm

Motion

Moved by ***Baroness Sater***

That the Bill do now pass.

Baroness Sater (Con): My Lords, I would like to say a few, very brief words. The provisions set out in this Bill will play an important role in helping to ensure that approved premises are safe and drug free. The Bill will enable Her Majesty's Prison and Probation Service to create a comprehensive framework for drug testing in approved premises and help ensure that the staff can respond quickly and efficiently and implement the important care and treatment needed to support an individual's rehabilitation.

I would like to extend my great thanks to my honourable friend Rob Butler, who led this Bill through the other place, and my noble friends Lord Wolfson and Lady Scott, as well as all the officials at the Ministry of Justice for their wonderful support and the House staff for their hard work in this, my first Bill. I beg to move.

Lord Ponsonby of Shulbrede (Lab): My Lords, I too would like to welcome this Bill imminently passing. I thank the noble Baroness, Lady Sater, for the work she has done on this Bill and I also thank her honourable friend Rob Butler. It may be of interest to noble Lords that both the noble Baroness, Lady Sater, and Rob Butler were youth magistrates with me in London, so I know them both well.

This is an important Bill. Approved premises should be drug free. Drug types are changing all the time, and the Government and the approved premises themselves need the flexibility to make sure that the premises are as drug free as possible. I congratulate the noble Baroness.

Baroness Scott of Bybrook (Con): My Lords, I start by congratulating my noble friend Lady Sater on her excellent work bringing forward this Bill and navigating it to this stage. I also thank my honourable friend Rob Butler MP, who introduced the Bill in the other place.

The Bill will play an important role in helping us to tackle illegal drug use, cut crime and save lives. In December last year, we published our cross-government drugs strategy, which represents an ambitious 10-year commitment to work across government to address illegal drug use, including increased and enhanced drug testing in prisons and approved premises. The measures set out in this Bill will help us understand and react quickly to the changing patterns of drug misuse that exist in approved premises and ensure that staff in them can respond effectively and implement the necessary treatment and care planning. This Bill will ensure consistency of testing and treatment from prison to the community and will be vital in ensuring that approved premises are safe and drug free. Once again, I thank the noble Baroness, Lady Sater, as well as Ministry of Justice officials, for their hard work in getting the Bill to this stage. I am pleased to reiterate the Government's support and look forward to seeing this important legislation on the statute book.

Bill passed.

Marriage and Civil Partnership (Minimum Age) Bill

Third Reading

3.27 pm

Motion

Moved by ***Baroness Sugg***

That the Bill do now pass.

Baroness Sugg (Con): My Lords, this Bill will finally end child marriage in England and Wales—and not before time. There are many people to be thanked for getting us to this point: Pauline Latham, who has campaigned tirelessly on child marriage and took this Bill through the other place; the Home Secretary and Nimco Ali, who committed to ending child marriage in the tackling violence against women and girls strategy; the Ministers and the Bill team at the Ministry of Justice and the Home Office; and Members from all sides in both Houses who supported this Bill. Finally, I thank the many campaigners—organisations and individuals—who have worked so hard to highlight the issue of child marriage and got us to where we are today: the Girls Not Brides UK coalition; IKWRO; Karma Nirvana; Forward UK; the Independent Yemen Group; Garden Court Chambers; Charlotte Proudman; Payzee Mahmod; and Farhana Raval. It has been my true honour to take this Bill—their Bill—through Parliament.

Lord Ponsonby of Shulbrede (Lab): My Lords, I would like to congratulate the noble Baroness, Lady Sugg, on a very significant Bill. With my other hats on, as a family magistrate and youth magistrate, I do see the impact of children getting married. It is highly to be desired that this Bill be passed, and I congratulate her on the work she has done and also the many organisations that have been campaigning on this issue for many years.

Baroness Scott of Bybrook (Con): My Lords, this Bill started its journey almost a year ago with its introduction in the House of Commons on 16 June 2021. It has received cross-party support and I am absolutely delighted to be here today for its Third—and final—Reading. Many people have worked hard to ensure the success of the Bill. I thank my noble friend Lady Sugg for taking it through the Lords and Pauline Latham MP for taking it through the other place. I know they both worked closely with Minister Pursglove, Minister Maclean and their teams of officials to ensure a smooth passage. Although the Bill began its journey last year, the change in law that it brings has been an aspiration for many years, especially for groups campaigning on this issue. I thank them, too, for their passion and courage in seeing this come to pass.

Today we have a chance to make history and see child marriage finally come to an end in England and Wales. We have the opportunity further to safeguard the futures of our children and set an example that we hope will be followed by the rest of the world. Its anticipated incoming is important and far-reaching; I confirm with great pleasure that the Government are supporting it and I commend it to the House

Bill passed.

Taxis and Private Hire Vehicles (Disabled Persons) Bill

Third Reading

3.30 pm

Motion

Moved by ***Lord McLoughlin***

That the Bill do now pass.

Lord McLoughlin (Con): My Lords, I pay compliments to my right honourable friend Jeremy Wright MP, who started this Bill off in the House of Commons. I was privileged to serve with Jeremy in the Whips' Office in the Commons from 2007 to 2012. He then went on to become Attorney-General, so this Bill will perhaps have had more legal pondering than most Private Members' Bills put before the House. It makes an important contribution and I hope it gives some comfort to disabled people that they will be treated the same throughout the whole of the United Kingdom, irrespective of whether their local authority has done, or been able to do, the registration in the past. The Bill is the right move forward; I am just very sorry that it was not done in the four years that I was Secretary of State.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): My Lords, about one in five of us is disabled and we know that disabled people rely on taxis and private hire vehicles more than most. That is why the Bill is so important and why the Government have given it their full support. If disabled people are more likely to rely on taxis and private hire vehicles for everyday journeys, instances of discrimination will have a much greater impact. The Bill goes a long way in helping to reduce that impact. I am enormously grateful to all those who have made it happen: my noble friend Lord McLoughlin, for his leadership in your Lordships' House; my right honourable friend Jeremy Wright, for his expertise in

[Baroness Vere of Norbiton]
leading it through the other place; all noble Lords who contributed to the debate; and, of course, the team of dedicated officials in my department. The Bill has received cross-party support and I am very grateful that it should pass today.

Bill passed.

Nationality and Borders Bill

Commons Amendments

3.33 pm

Motion A

Moved by ***Baroness Williams of Trafford***

That this House do not insist on its Amendment 4G, to which the Commons have disagreed for their Reason 4H.

4H: Because the Commons consider that it is appropriate to provide that a failure to comply with the requirements of section 40(5) of the British Nationality Act 1981 does not affect the validity of a deprivation of citizenship order made before the coming into force of clause 9.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the world is facing a crisis of migration. An estimated 80 million people are displaced by conflicts and instability around the world. Others seek to move in search of improved economic opportunities. Challenges need solutions, not just complaints about what is proposed.

Managing migration—welcoming and effectively supporting those most in need, while protecting borders and closing down the dangerous business of people-smuggling—is one of the most difficult public policy challenges faced by any Government. Breaking the business model of the people smugglers and managing the flow of people entering this country is one of the most humane things that we can do. The measures in the Bill will allow us to save lives and ensure that we can effectively provide support and care for those who need it most.

I therefore beg to move this House does not insist on your Lordships' Amendment 4, does agree with the other place in their Amendments 4A to 4F and does not agree to your Lordships' Amendment 4G.

I start by addressing Amendments 4J and 4K. As I have said to this House, it is very important that in cases where we have already made a decision to deprive, the subsequent deprivation order remains valid and effective to protect the UK from high-harm individuals and to preserve the integrity of the immigration system; that is the purpose of this clause. With respect to the noble Baroness, the Government do not accept that deprivation orders made prior to commencement of the Bill are invalid. We have repeatedly said that we will always try to give notice of deprivation, but in some cases that simply is not possible, for good reasons, which I have outlined during the course of the Bill. Amendment 4J also suggests that we can just make a new order, but that may not always be possible, as, of course, the circumstances in an individual case may have changed.

Amendment 4K seeks to remove one of the safeguards that the Government introduced into Clause 9 in response to earlier concerns raised in your Lordships' House about the right of redress. Subsection (7) specifically provides the clarity that the right of appeal remains for deprivation decisions made where notice was not given prior to commencement of the Bill, and on the same terms as appeals where notice is given. Deleting this subsection, as Amendment 4K suggests, would therefore remove this safeguard.

I turn to Amendment 20D. I very much welcome the spirit of this amendment, but unfortunately it could still compromise our ability to prosecute people smugglers because it is still open to exploitation from organised crime gangs involved in people-smuggling, who could very easily manipulate circumstances to deliberately endanger migrants' lives, as they do now, by providing inadequate craft in which to cross the Channel, and then provide their own rescue as a means to avoid prosecution. The clause already provides protections for persons undertaking rescues, which we put in place after listening to the concerns raised in both Houses about rescues undertaken by the RNLI and other independent rescuers. This new amendment would simply add a barrier to successful prosecutions.

I move next to Amendment 25D, which relates to modern slavery. It is too narrow and does not fulfil the aims of the original clause. The amended definition of "public order" does not include all individuals who have been involved in terrorism-related activity or who otherwise pose a risk to national security, or those who have been convicted of serious criminal offences, such as manslaughter, murder, violent acts and sexual offences. I have listened to concerns raised previously and I want to be clear that offences included in the original drafting of Clause 62 are not minor offences, as Parliament agreed back in 2015 when passing Schedule 4 to the Modern Slavery Act. Even where an individual meets the public order definition, the Government have been clear that our approach to the disqualification is discretionary. It is not our intention to carry out a full public order consideration of every individual who enters the NRM, but rather where a specific concern or threat has been identified. I understand the wish to have determining language such as "exceptional" and "genuine" threat in the Bill, but this would no doubt—albeit unintentionally—mean that the public order disqualification would be unworkable in the UK and would continue to leave us unable to remove dangerous individuals, despite there being cases where it is lawful, appropriate and in line with our international obligations to do so. That is why we have previously provided further detail in this House about the proportionate approach that we will take to implement this measure, and clarity on the mitigating factors that will be taken into account as part of a case-by-case approach.

I further reassure noble Lords that although it is right that the Government are able to withhold protections where an individual is a threat to public order regardless of age, as envisioned in our international obligations under ECAT, children's vulnerabilities are always an essential consideration. We will take particular consideration

of the age and maturity of those who are under 18, and of course children have separate protections anyway under the Children Act.

I note the concerns of the noble Lord, Lord Coaker, about how the public order disqualification measure might impact the number of "duty to notify" reports—that is, suspected adult victims of modern slavery who do not consent to enter into the NRM—as the NRM is a consent-based system. Foreign nationals who choose not to be referred into the NRM and are therefore subject to a duty to notify are likely to be already engaged in parallel with the immigration system. Reasonable grounds decisions, conclusive grounds decisions and, in future, public order disqualification decisions will continue to be taken separately from any consideration of an individual's immigration status.

I want to be clear that first responders should always refer victims into the NRM, in line with modern slavery statutory guidance, using the online form, even when the individual may meet the public order definition. Decisions will then be taken on a case-by-case basis. We are committed to improving the training of first responders to increase awareness of the NRM and ensure that potential victims can make informed decisions about whether to enter the system, and we are supporting that with an improved legal aid offer for victims of trafficking within the Bill.

We recognise that those individuals who have prior convictions may be more frequently targeted by the exploiters. That is why we are taking a proportionate approach to identifying those who are of public order concern. Trained decision-makers will then carefully consider each individual case and take into account mitigating factors, including the nature and seriousness of any offence; the time that has elapsed since the person committed any such offence; whether that offence was committed as part of an individual's exploitation and the level of culpability attached; and whether an individual is assisting or co-operating with a relevant investigation or prosecution effort. For those reasons, I cannot support the amendment.

I turn briefly to Amendment 26B. The Government's unshakeable position is that support should be provided on the basis of need, tailored to the individual and their personal circumstances. During the passage of the Bill we have committed that, where necessary, all those who receive a positive conclusive grounds decision and are in need of specific support will receive appropriate tailored support for a minimum of 12 months. What still concerns us about the amendment is that it would move us away from taking an individualised needs-based approach to the provision of support, and we therefore cannot support the amendment.

I hope that, for the reasons I have set out, noble Lords will feel happy not to press their amendments.

Motion A1 (as an amendment to Motion A)

Moved by ***Baroness D'Souza***

At end insert "and do propose Amendments 4J and 4K in lieu—

4J: Clause 9, page 12, line 13, leave out subsection (5) and insert—

"(5) Where a pre-commencement deprivation order is invalid due to a failure to comply with the duty under section 40(5) of the 1981 Act, and the Secretary of State seeks to make a new deprivation order in respect of the person affected by the invalid order—

(a) the Secretary of State shall comply with the provisions set out in Schedule 4A to the 1981 Act, and

(b) subsections 40(5D) and 40A(2A) of the 1981 Act apply."

4K: Clause 9, page 12, line 20, leave out subsection (7)"

Baroness D'Souza (CB): My Lords, needless to say, I along with many others am deeply disappointed with the Commons' decision to reject the amendment that we tabled on Clause 9. In effect, the Government now seek to maintain the legal fiction that previous deprivation orders without notice continue to be valid. This immediately puts many who are suspected of having been trafficked, including women, at risk of return to countries where they may be subjected to torture and/or other inhumane and degrading treatment.

The amendment simply sought to remove the Government's power to hold to decisions and actions to deprive, without notice, citizenship orders subsequently declared unlawful by the courts. It remains unclear to me why, if the Government accept that safeguards are necessary—as evidenced by the amendments tabled by the noble Lord, Lord Anderson, and accepted by the Government—these same safeguards do not apply to all deprivation orders.

3.45 pm

At earlier stages of the Bill, in particular in discussions on Clause 9, it was suggested that the rule of law was being challenged by the Government, given the previous court rulings. This remains the case by means of the creation of two tiers of citizens: those who will benefit from the Anderson safeguards and those under the pre-commencement orders who will not benefit from these safeguards. This appears unjust, unlawful and petty given the relatively small number who fall into the latter category.

Given the advisory role of this House and the need to focus attention on further egregious clauses, I will not seek the opinion of the House on this Motion.

Lord Paddick (LD): My Lords, I have Motion K1 in this group but I will speak to each of the other Motions. I will say very little on the individual Motions, but I remind the House of what I said at Second Reading. If British people, as we are constantly told, are concerned about immigration, this Bill, which targets asylum seekers and victims of modern slavery, is not focused on their primary concern.

In an article in the *Telegraph* yesterday, Nick Timothy, Theresa May's former chief of staff, wrote about his concerns about mass immigration. Nowhere in that article does he mention asylum seekers, victims of modern slavery or the Nationality and Borders Bill. He points to the real causes of mass immigration: 240,000 work visas, up 25% compared with 2019, which was a big year for immigration; 280,000 family visas, up 49%; and 430,000 student visas, up 52%. These numbers dwarf the numbers claiming asylum.

Work permits have become unlimited; the definition of a skilled worker has been watered down; the shortage occupation list has been extended; employers no longer

[Lord Paddick]
have to prove that they could not recruit from the resident population; and foreign students are allowed to stay on after their studies no matter what their qualification. An Australian-style points-based system, designed to increase immigration into Australia, is having the same effect here, despite the end of free movement. Yet this Government, and this Bill, address none of these issues but instead focus on the small minority fleeing war, persecution and modern slavery, who desperately need sanctuary.

On Motions A and A1, we believe that the safeguards the noble Lord, Lord Anderson of Ipswich, has secured in relation to deprivation of British citizenship without notice will ensure that further abuse of the system is prevented. While we have sympathy with the position of the noble Baroness, Lady D'Souza, we are pleased that she is not going to divide the House on this occasion.

On Motions K and K1, I understand the Government's determination to prosecute people smugglers but the unintended consequences of removing the "for gain" element of the offence of facilitating the entry of an asylum seeker into the United Kingdom are to subject individuals, most importantly those seeking to rescue migrants drowning in the channel, to prosecution.

The first amendment approved by this House to reinstate "for gain" was a Labour amendment. The second, a Liberal Democrat amendment, provided that those with a reasonable excuse for facilitating entry would not commit an offence. Both were rejected by the other place. This third attempt would mean that individuals engaged in genuine humanitarian activity, including the preservation of life, would not commit an offence.

This is about removing doubt from the minds of those who come across drowning migrants in the channel that they may be prosecuted if they effect an immediate rescue. The Bill, as drafted, says that they commit a criminal offence. The only current defence is that, once charged, they may present a defence in court—once they have been arrested and prosecuted. Whatever the Government might say, that could cause people to hesitate when decisive, life-saving action is needed. We believe that lives depend on Motion K1 being agreed by this House, and I urge noble Lords around the House to support it.

We support Motion L1, and do not believe that modern slavery should be part of this Bill at all. These victims are extremely vulnerable and should be supported, apart from in very exceptional circumstances. The current "public order" concern is far too broad. We believe that Motion L1 provides a solution to that issue, as I am sure the noble Lord, Lord Coaker, will explain.

On Motion M, it is with great regret that the efforts of the noble Lord, Lord McColl, over many years, to protect and properly support victims of modern slavery, have come to a point where his own party, the Conservative Party, refuse to support him in his attempts to make appropriate provision for such victims.

Lord Coaker (Lab): My Lords, I will start by saying a couple of words about a couple of the Motions and will then concentrate my remarks on Motion L1, in my name, on modern slavery.

On Motion A1, and the amendment in the name of the noble Baroness, Lady D'Souza, I pay tribute to the noble Baroness and the work she and many others in this House have done on this particular issue. As she knows, we originally wanted the whole clause to be removed, but we recognise that the Government have changed the clause significantly by accepting the safeguards tabled by the noble Lord, Lord Anderson. The Minister is to be congratulated on moving as far as she did on that issue. On that basis, and that of other safeguards, as the noble Lord, Lord Paddick, has mentioned, there is nothing further we can do with respect to this clause. As I said, we all note the work which the Minister has done. Certainly, the amendment moved by the noble Lord, Lord Anderson, would not have been as well accepted as it was by the Government without the work she has done.

On Motion K1, and the amendment in the name of the noble Lord, Lord Paddick, we agree entirely with the problems which the removal of the words "for gain" creates. He knows that I have supported him all the way through the Bill. But we are left with difficult decisions and, although the Government have removed rescue efforts co-ordinated by the coastguard from the scope of the offence, a captain who takes a split-second decision to rescue lives at sea will officially commit an offence. This is addressed, as the noble Lord, Lord Paddick, said, only by the fact that they will have an exceptionally strong defence for doing so. I note that the Minister has said on a number of occasions that she does not believe that someone would be prosecuted in those circumstances, and it would helpful if she reiterated that again from the Dispatch Box as a further safeguard and reassurance to people who may be put in that position. We would have liked to see this remaining problem fixed but, as I said, as the Government have already significantly amended this clause, we are doubtful that there is anything more to be achieved in this respect and there are other issues we wish to focus on—one of which I will turn to now.

I first thank the Minister, who tried to address many of the issues which have been raised around Clause 62. I remind noble Lords that, as my amendment points to, this clause deals with disqualifying potential victims of modern slavery from protection. As the Minister confirmed, this includes children. We are genuinely trying to be helpful on this issue. As the Minister outlined, the Government clearly recognise the real problem here. The clause, as originally drafted, was too broad, and it remains too broad. It will actually capture victims who have a criminal record only as a consequence of their slavery—because they have been exploited and forced into crime by their traffickers. This legislation, even as amended, and even with the reassurances from the Minister, will still capture victims of modern slavery and disqualify them from protection. This is the reality of the legislation before us: it will prevent victims entering the NRM; it will tighten traffickers' hold on their victims; and it will stop us being able to find, stop and prosecute the vile people traffickers.

The Government have been generous with their time; they have met me and trafficking organisations on numerous occasions. But the problem remains in the way that this clause is drafted. The amendment that I have put before the House seeks to give the

Government time to sort out the issue, which they recognise as a problem, of defining "public order". As it is in the Bill at the moment, victims of trafficking who commit minor offences are potentially disqualified from protection. That cannot be what the Government, this House or anyone would wish, but it is the consequence of the Bill—it is the consequence of the legislation as it is drafted. Whatever the warm words and intentions of the Minister—who would not want that to happen and says that it will be all right on a case-by-case basis—you cannot legislate on the basis that it will be all right on the night. That is not the right way of doing it. The legislation creates the problem. We also tried to address concerns around terrorism, and that is why we added TPIMs to the amendment.

I want to refer to the Government's latest statistics to conclude my remarks on modern slavery. According to the Government's own document, published a couple of weeks ago, 43% of those who claimed asylum last year because of exploitation were children. This means that 43% will potentially be impacted—I am not saying that they will be—by this clause as it is currently drafted. That is the reality of what is before your Lordships this afternoon and why I am so insistent on my amendment, in Motion L1.

The Minister referred to the number of adults who are not officially referred—if you are an adult, you have to give consent—and where instead the first responders act on their duty to notify. In the past year, this number has increased by 47%—47% of adults are refusing to consent to be referred to the national referral mechanism. The Minister will say that it is up to them whether or not they consent, but let me say why I think they do not consent. I think that an increasing number of victims or potential victims of trafficking do not consent to be referred to the national referral mechanism because they are scared. They do not see authority in the way that we do. They do not see police officers in the way that we do. They do not see immigration officials in the way that we do. They do not see civil servants in the way that we do. They are frightened. They are victims. They may have been forced into criminality and, as such, they do not want to have it imposed on them that they must be referred to an official system. That there has been a 47% increase in victims or potential victims refusing to consent to being referred to the system should ring alarm bells with everyone.

My amendment says that, because of an increased emphasis on things such as public order, there is a failure to recognise the reality for victims of slavery and their lives. Many noble Lords here, including me, have met victim after victim and potential victim after potential victim—people who are terrified, mortified and scarred for ever by their experience. Yet the way this Bill is drafted, it will penalise them for that experience and any forced criminality. This is not the Government's intention—I accept that—but it is the reality of the legislation before them. I ask your Lordships this: why, either in this place or the other place, would you pass a piece of legislation that flies directly in the face of the policy objectives that you have? It is nonsense. The Government do not want to exclude potential victims of modern slavery from referring themselves or being referred, but that will be the consequence of this legislation if it is unamended.

We will divide the House on this. We want the Commons once again to think whether they really want to pass legislation that will potentially lead to victims of modern slavery not coming forward or having the help and support they deserve. I do not believe they do. That is why we should support Motion L1 in my name.

4 pm

Baroness Williams of Trafford (Con): My Lords, I thank all noble Lords who have spoken succinctly to these groups of amendments. Before concluding, I will directly address the point from the noble Lord, Lord Coaker, about the facilitation offence. I can confirm that we do not intend to refer people for prosecution except in egregious cases. We will assume that they are telling the truth and acting in good faith, unless we can disprove it beyond reasonable doubt.

The noble Lord also asked about modern slavery, public order and those forced into criminality. As I said in my opening speech, we recognise that individuals who have prior convictions may be more frequently targeted by exploiters. That is why we are taking a proportionate approach to identifying those who are of public order concern. Trained decision-makers will then carefully consider each individual case and take into account mitigating factors. These will include the nature and seriousness of any offence, the time that has elapsed since the person committed such an offence, whether the offence was committed as part of an individual's exploitation and therefore the level of culpability attached, and whether an individual is assisting or co-operating with a relevant investigation or prosecution effort.

I think I have addressed the points that noble Lords have made. Without further ado, I hope that noble Lords will not press their amendments.

Baroness D'Souza (CB): My Lords, it is with a great regret that I beg leave to withdraw Motion A1.

Motion A1 withdrawn.

Motion A agreed.

Motion B

Moved by ***Baroness Williams of Trafford***

That this House do not insist on its Amendment 5B, to which the Commons have disagreed for their Reason 5C.

5C: Because the Commons consider that Lords Amendment 5B makes unnecessary provision.

Baroness Williams of Trafford (Con): My Lords, I beg to move Motion B that this House do not insist on its Amendment 5B, to which the Commons have disagreed for their Reason 5C. With the leave of the House, I shall also speak to Motions C, D, E, F, G, H and J.

I turn first to Amendment 5D. The Government's position remains that the provisions of this Bill are compliant with the refugee convention, but I cannot support the amendment, as it strikes at the heart of the constitutional relationship between Parliament and the courts. The convention leaves certain terms and

[Baroness Williams of Trafford]
concepts open to a degree of interpretation, which ensures that it can stand the test of time and be applied across many jurisdictions with different legal systems.

There is therefore a need to define and apply such terms in domestic legislation in accordance with the principles of the Vienna convention, taking a good faith interpretation in accordance with the ordinary meaning of the language of the convention. The provisions in Part 2 are in line with this. It is not, therefore, appropriate to require the courts to consider whether the Bill is compatible with our international obligations where Parliament has passed clear and unambiguous provisions. These provisions are clear and unambiguous and are a good faith interpretation of the refugee convention.

The new amendment is not only unnecessary because the contents of Part 2 are fully compliant with our international obligation; it is also contrary to the fundamental purpose of this Bill, which is, where possible, to tightly define the nature of our obligations under the refugee convention while remaining complaint with those obligations to support consistent and accurate decision-making.

Amendments 6D, 6E and 6F are another attempt to alter the effectiveness of the differentiation policy. As we have discussed in great detail during the course of debate on the Bill, to do so would go against one of its fundamental aims, which is to deter people from making dangerous and unnecessary journeys. I am sure that I speak for all Members of the House in saying that we want to see a stop to all such journeys to the UK. These journeys endanger lives and line the pockets of dangerous criminals, both here and abroad.

Turning first to Amendment 6D, it is important to note that Clause 36, which is relevant to the criteria used to differentiate under Clause 11, already provides that an individual may still be treated as having "come directly" even if they stopped in another country outside the United Kingdom, provided they can show that they could not reasonably have been expected to claim asylum in that country. Clause 36 also allows discretion to be exercised in determining whether someone claimed "without delay", whether that person claimed as soon as it was "reasonably practicable" being a key factor to be considered when assessing these criteria and therefore again being relevant in determining a refugee's grouping. These provisions already achieve what the amendment is trying to effect, and as such I do not support Amendment 6D, which is not required.

I cannot support Amendment 6E, which seeks to shift the burden of proof in applying Clause 11 on to the Secretary of State. First, I assure noble Lords that my officials are developing detailed guidance for decision-makers to assess the credibility of a person making an asylum claim and, where a claimant qualifies for refugee status, whether they are in group 1 or group 2. The guidance will outline that all claimants will be afforded the opportunity to rebut a provisional decision to identify an individual as a group 2 refugee. As is currently the case, we will continue to support claimants throughout the process to ensure that they are able to present the evidence substantiating their asylum claim, and this includes in relation to whether they are a group 1 or group 2 refugee. Although Home Office officials will continue to provide this support, it is not for the Secretary of State, but instead for the claimant, to demonstrate whether they are a group 1 or group 2 refugee. Therefore, I cannot accept this amendment.

I now turn to amendment 6F, which, I need to be clear, is completely unnecessary. Changes to the Immigration Rules will be made in order to operationalise the differentiated asylum system, as well as other provisions within the Bill. Section 2 of the Asylum and Immigration Appeals Act 1993 already sets out the primacy of the refugee convention in the Immigration Rules. It states:

> "Nothing in the immigration rules (within the meaning of the 1971 Act) shall lay down any practice which would be contrary to the Convention."

I must remind noble Lords that it is our unwavering position that all provisions in Part 2, including Clause 11, are compliant with our obligations under the refugee convention, but Section 2 of the 1993 Act will continue to act as an additional safeguard for policies covered in the Immigration Rules, and as such it does not need to be referenced within the Bill.

The amendment is also unnecessary as the best interests of child already are and will continue to be considered as part of the asylum decision-making process. This is clearly stated throughout our current decision-making guidance and will continue to be clear in upcoming publications. In addition, access to family reunion will be available to all group 1 refugees and group 2 refugees where a refusal would be in breach of their Article 8 ECHR rights, in line with our international obligations.

I turn next to Amendments 7F and 7G. These are nearly identical to previous Amendments 7B and 7C and, like those previous amendments, they would not only reward people who have in many cases arrived illegally in an attempt to undermine our economic migration system but would create enormous operational burdens for the Home Office to implement, very likely—as per the findings of the Government's review into the policy—leading to a net yearly loss to the department in running costs. I once again reassure noble Lords that the Government want all claims to be settled within six months, so that people can get on with rebuilding their lives, including working. We are making every effort to ensure this is a reality under the wider new plan for immigration. I therefore advise the House that we cannot accept those amendments.

Turning briefly to Amendments 8B and 8C, as I have said many times before and the leader of the Opposition said on Sunday on television, those in need of protection should claim in the first safe country they reach. The first safe country principle is widely recognised internationally and is a fundamental feature of the common European asylum system. By enforcing this part of the Bill, we are taking the battle to the people smugglers, showing them that their horrible business will be made unviable. For this very important reason, we cannot agree to these amendments.

I turn to Amendments 53H to 53L and begin by addressing the announcement made by the Prime Minister recently. As noble Lords are aware—in fact, we discussed it yesterday—we have now entered into the UK and Rwanda migration and economic development partnership. This ground-breaking partnership addresses

the international challenge of irregular migration by disrupting the business model of organised crime gangs and deterring migrants from putting their lives at risk. Those making dangerous, illegal or unnecessary journeys to claim asylum in the UK may now be relocated to Rwanda, where their claims will then be processed.

I should be clear that the objective of the UK-Rwanda partnership is to create a mechanism for the relocation of individuals whose claims are not being considered by the UK—the inadmissible—to Rwanda. In future, we may want to extend eligibility for overseas processing to those who have otherwise abused the UK's asylum system, beyond undertaking dangerous or unnecessary journeys. That is the intention of this measure, which will make it easier for us to remove those who have pending asylum claims to another country for their claims to be processed.

At this point, I should say something about the partnership agreement. It is in full compliance with domestic and international law. Rwanda is a state party to the 1951 UN refugee convention and the seven core UN human rights conventions, with a strong history of supporting refugees. I would encourage noble Lords, if they have not already done so, to read the memorandum of understanding underpinning the UK-Rwanda partnership, which contains many of the assurances that they are looking to receive through these amendments. Not only that, but the MoU makes clear that these assurances will be monitored by a monitoring committee independent of the Governments of both the UK and Rwanda. This committee will have unfettered and unannounced access to relevant records, locations, officials and whatever else it needs to complete its assessments.

Much has been made, and was made in your Lordships' House yesterday, of how this arrangement is underpinned by an MoU rather than a treaty. An MoU is a standard arrangement between states. By way of example, in 2019, the UNHCR and the African Union signed an MoU with Rwanda to establish an emergency transit mechanism; this partnership facilitates the relocation of refugees and asylum seekers from the conflict zones in Libya to the safety of Rwanda. The UNHCR recently extended this MoU, which will now run until 31 December next year. There is nothing novel, unusual or untoward about underpinning this arrangement with an MoU, the terms and monitoring mechanism of which give us the assurances we need to operate this arrangement safely and in line with our international obligations.

Outside the partnership, noble Lords need look no further than the safety criteria set out in these measures to be assured that we will only ever remove someone whose asylum claim is pending to a safe third country where it is in accordance with the refugee convention and the European Convention on Human Rights. Everyone considered for relocation will be screened, interviewed and have access to legal advice. Decisions will be taken on a case-by-case basis, and nobody will be removed if it is unsafe or inappropriate for them.

4.15 pm

Throughout the parliamentary debate, I have been very clear that overseas asylum processing can be implemented in a manner that is safe and consistent with our international obligations. This has been and always will be our bottom line. The UK-Rwanda partnership is the type of international co-operation we need to make the global immigration system fairer, keep people safe and give them the opportunities they need to flourish. It is for these reasons that I cannot support these amendments, which are not necessary given the assurances set out in the Bill and in the UK-Rwanda partnership.

These amendments would go significantly beyond existing legislation, which has been in place for decades. We do not need a formal, legally binding agreement to remove someone with a pending asylum claim, provided their claim has been certified under Part 5 of Schedule 3 to the 2004 Act. There has also never been a requirement to provide those who are not refugees but are given another protection status the entitlements provided under the refugee convention. I cannot support the requirement to lay a report on numbers transferred and cost per removal, but I can tell the House that the asylum system is already incredibly expensive at an annual cost of around £1.5 billion—the highest in over two decades.

I turn briefly to Amendment 10B. This imposes a more favourable approach to provision for refugee family reunion for those already in Europe. We do not think this is fair. It encourages vulnerable children to undertake dangerous journeys into Europe to be able to benefit from this provision. For this reason, we cannot accept this amendment.

I turn next to Amendment 11D. The number of refugees and people in need of protection we resettle each year must be based on our capacity and assessment of the international situation. That has not changed. We have been a global leader in resettlement. Since 2015, we have resettled more than 27,000 refugees through safe and legal routes direct from regions of conflict and instability, around half of whom were children. That is the right thing to do. On top of that, our safe and legal routes have provided a route to settlement for 40,000 people through the family reunion route: 20,000 Syrians, 100,000 Hong Kongers, up to 20,000 Afghans and nearly 80,000 Ukrainians have been granted visas, so far, from an uncapped scheme.

The UK continues to welcome refugees through the existing UK resettlement scheme for people coming from anywhere in the world. The numbers we resettle and welcome through all safe and legal routes, including our resettlement schemes, are published on a quarterly and annual basis through immigration statistical reporting cycles. As such, we do not think this amendment is necessary.

I turn now to Amendments 13D and 13E and the further amendment from the noble Lord, Lord Coaker. My position remains that the offence of arriving in the UK without a deportation order or following a decision to exclude a person on national security grounds is still too narrow and would not be sufficient to deal with all the different types of egregious behaviour we have seen.

I am aware that colleagues have raised questions about who will fall under this provision. I therefore wrote to colleagues on Monday, setting out what the Government mean when we say that we are seeking prosecutions in only the most egregious cases for those

[Baroness Williams of Trafford]
migrants who knowingly arrive in the UK without an entry clearance where this is required for entry on arrival to the UK. In addition to criminals who have been deported and individuals who have been excluded on national security grounds, this also includes migrants endangering themselves or others, for example by dousing themselves in fuel to prevent rescuers returning them to France, by stowing away and taking over a ship or by causing severe disruption to services such as ferry routes or the Channel Tunnel. It also includes those migrants previously removed as failed asylum seekers.

I understand the wish to have these aggravating factors set out in the Bill, but it is very difficult to accomplish in suitable legislative language and could be too restrictive as it might not anticipate changes in behaviour with the challenge of small boat arrivals constantly evolving and potential shifts to other means of arrival.

I am sorry to have taken up so much of noble Lords' time, but I thought a full explanation was appropriate here today. I thank noble Lords from both sides of the House for their consideration of the issues today. We have been through all this in great detail in the course of the Bill and I hope that, given my explanation, noble Lords will not seek to press their amendments.

Motion B1 (as an amendment to Motion B)

Moved by ***Baroness Chakrabarti***

At end insert "but do propose Amendment 5D in lieu—

5D: Insert the following new Clause—

"Interpretation of Part 2

(1) So far as it is possible to do so, the provisions of this Part must be read and given effect in a way which is compatible with the Refugee Convention.

(2) If a court or tribunal determining a question which has arisen in connection with the provisions of this Part cannot read and give effect to those provisions in a way which is compatible with the Refugee Convention, it must make a declaration to that effect.""

Baroness Chakrabarti (Lab): My Lords, in moving Motion B1 as an amendment to Motion B, I also support other amendments.

Extra-parliamentary events since your Lordships' last consideration make anxious scrutiny today even more important. I refer of course to atrocities in Ukraine and the Maundy Thursday MoU with Rwanda, but also to the unsuccessful Home Office attempts to assert public interest immunity, or secrecy, in the High Court over parts of the subsequently withdrawn little boats push-back policy. Contrary to everything both Houses, voters and desperate refugees were led to believe, the Government always knew that there was no legal basis for repelling a boat containing souls declaring a wish to claim asylum.

The importance of such matters being justiciable in court is therefore clear. From her answers to yesterday's PNQ, I am glad to say that I do not think the Minister disagrees with that. Nor, to his credit, did the Minister in the other place present any policy difference on that point. He repeatedly asserted ongoing intentions to comply with international law, and specifically to comply with the refugee convention and ECHR together.

I have listened—and indeed pre-empted the constitutional concerns that the Minister just set out—and redrafted to make the refugee convention protection in the Bill no more, but no less, than that already provided for in law by the ECHR, thus making the new Amendment 5D even more respectful of the primacy of the other place and reasonable than its predecessor amendments. I beg to move.

Lord Brown of Eaton-under-Heywood (CB): My Lords, I rise to support Motion B1. "Nothing matters very much, and very little matters at all." So said Lord Balfour of Balfour Declaration fame a century ago. But Lord Balfour was not then faced, as your Lordships now are, with a Bill which most—if not all—disinterested lawyers recognise that, first, without the amendment now proposed, would breach international law under the convention and, secondly, at the same time would nevertheless make unchallengeable the question of this legislation's legality. Noble Lords should note that if the Bill passes without this provision, the legality of these provisions cannot even be raised before a court of law.

That will be the position unless we have the guts or—let me rephrase that—unless we are sufficiently alive to what surely is our constitutional duty as a revising Chamber to insist on the amendment to pass Motion B1. So, pace Lord Balfour, this really does matter very much.

I hope noble Lords will allow me another few words. I read again yesterday the disheartening, positively dispiriting House of Commons debate last week, which summarily rejected our amendments from the last round of ping-pong. The amendment originally in the names of the noble Baroness, Lady Chakrabarti, the noble and learned Lord, Lord Judge, and the noble Lord, Lord Pannick, was dealt with even more dismissively and cursorily than the first time round. This time, there was no pretence that the courts could decide whether or not this new Bill will be convention-compliant. Previously, the Commons had been—as I accepted last time round—entirely inadvertently misled into thinking that the courts would have a say on it.

It is acknowledged on all sides that the Bill as it stands would overturn a quarter of a century of established English law as to the proper meaning of the convention. Of course, that is also the view of the UNHCR, which advises that we would be breaking international law by passing this legislation without such an amendment as now proposed. Therefore, it is now recognised that if the amendment fails to pass, the Bill will—the words can be used—foreclose or pre-empt the question as to the legality of these clauses. The clauses, in effect, would therefore operate as ouster clauses.

All the Minister in the other place said last week was:

"The Bill—I insist on this in the strongest terms—is compatible with all of our obligations under international law. Our position has not changed and we do not consider it necessary to put this on the face of this Bill."—[*Official Report*, Commons, 20/4/22; col. 239.]

In other words, the Bill that we are now asked to approve without the amendment is simply proclaimed by the Government to be compliant. We are asked to accept the mere self-serving say-so—the assertion—that it is compliant, although, as I have said, it is unsupported, so far as I am aware, by any respected body of opinion charged to look into these things: the Joint Committee on Human Rights, the Bingham Centre, et cetera, and including, as I said, the UNHCR, which is charged specifically under the convention with the superintendence of the proper interpretation and application of the convention.

That is enough. I am sorry if this imperils our hopes of Prorogation this week, but I urge your Lordships to summon up the blood, stiffen the sinews—not, I think, Lord Balfour in that instance—and to continue to reject and challenge this further melancholy attempt to usurp our law.

Lord Pannick (CB): My Lords, I too speak in favour of Motion B1, in the name of the noble Baroness, Lady Chakrabarti. I declare my interest as a practising barrister who sometimes acts in immigration cases.

As the noble and learned Lord has said, the overwhelming view of lawyers and interested, informed persons is that the provisions of the Bill breach this country's obligations under the convention on refugees, which this country has signed. Ministers have repeatedly asserted to the contrary that they have failed to respond in any way to the reasoning of the critics.

4.30 pm

If the Minister were to say to the House, "This is our policy and we wish to go ahead with it, even though it breaches our obligations under the convention", I would respect the honesty of the Government—but that is not their position. They are making legal assertions that simply defy credulity. This is an issue on which the House should invite the other place to think yet again, because it is an issue of the rule of law—and this Government and this Prime Minister have a poor track record, to put it mildly, on such issues.

In previous Conservative Administrations—and of course Labour Administrations—the Attorney-General and the Lord Chancellor would have stood up for the rule of law. They would have reminded their colleagues of the obligations of a Government. That was the position under the Thatcher Government, under the John Major Government and under Theresa May's Administration. There are Members of your Lordships' House who served in these Administrations. The noble and learned Lord, Lord Mackay, served as Lord Chancellor, as did the noble and learned Lord, Lord Clarke. They performed their obligations in that respect. Unfortunately, and for many reasons, in the current Administration, the Lord Chancellor and the Attorney-General have repeatedly been silent on rule-of-law issues—and this is one of them. Since they will not speak out, I suggest that it is the obligation of this House to do so.

Baroness Lister of Burtersett (Lab): My Lords, while supporting all the amendments in this group, I speak to Motion D1 in my name, taking up the baton from the noble Baroness, Lady Stroud, whom I thank for her persistent commitment on this issue, which remains undimmed. As previously, the amendment would give asylum seekers the right to work in any occupation after six months, but it introduces a review after three years—rather than four, as previously—to assess whether government fears about such a right creating a pull factor are founded.

The Commons reason for not accepting the previous amendment states that

"the Commons consider that asylum-seekers (save in limited circumstances) and their adult dependants should not be permitted to work while a decision on their claim for asylum is pending".

This is the equivalent of a parent telling a child that they cannot do something "because". It is not a reason.

During the debate in the Commons—such as it was—the Minister reiterated concerns about undermining the economic migration scheme, and our old friend the pull factor. But there is no reason why a right to work after six months should undermine the economic migration scheme, and, as Sir Robert Buckland pointed out, he and others

"have said on many occasions that there is simply no evidence to suggest that a limited right to work is a pull factor."—[*Official Report*, Commons, 20/4/22; col.240.]

In fact, the academic evidence suggests the opposite, and the Migration Advisory Committee has expressed considerable scepticism.

The other argument put by the Minister in the other place, which was repeated by the Minister here, was that the Government want to see claims settled within six months. However, when he was asked by one of his Back-Benchers to confirm that the Bill and other measures

"will mean that there should be no asylum seekers still in a state of limbo, waiting for their asylum status to be determined, after six months",—[*Official Report*, Commons, 20/4/22; col.253.]

thereby making the amendment unnecessary, answer came there none. It would be wonderful if the amendment proved to be redundant, so that there were no longer 62,000 people awaiting a decision for more than six months, but the Government's resistance to it suggests they are not confident that claims will be settled within that timescale. The Minister this afternoon suggested that the amendment would create significant operational costs for the Home Office. I am not quite clear what those costs are, but presumably there are savings from asylum support, and calculations have been done, which I know are contested but suggest a considerable fiscal saving overall from the amendment.

If we believe in integration, for which, according to MAC, the right to work is a key foundation stone, in preventing poverty and in protecting mental health, we should not give up on this amendment. In the Commons, 11 Conservatives, including a number of former Ministers, supported its previous iteration and 53 abstained. Earlier, the noble Lord, Lord Bethell, in this House, emphasised that, on basic Conservative principles concerning paid work, current policy fails dismally. Public support has been growing steadily to a point where the latest poll last month showed that at least four in five support the reform, regardless of political affiliation.

[Baroness Lister of Burtersett]

Once more, I would like to give the final word to asylum seekers themselves. MIN Voices, which I recently had the pleasure of meeting virtually, in its call for the right to work, asks us to

"remember that we are human beings and we have dignity".

I fear that, in its refusal to countenance change, the Home Office is failing to remember. Let us, at least, accord to asylum seekers their humanity and dignity by asking the Commons to think again.

Baroness Stroud (Con): My Lords, I will speak to Amendment D1, and I am grateful to the noble Baroness, Lady Lister, for her eloquent introduction to the amendment. This is a common-sense change. It would be a boost for the Treasury, for recruiters and, not least, for asylum seekers themselves. They often wait years for a decision on their claim while battling poverty, isolation and mental ill-health. However, the Government appear to want to maintain a ban on employment for asylum seekers, even after the introduction of their offshoring policy. They say that giving people the right to work will still encourage more people to come to the UK.

This pull-factor argument, however, is simply not supported by the facts. Evidence for it remains unclear, unshared or—as many suspect—non-existent. A challenge to Ministers from the Government's own Migration Advisory Committee to show proof of a link between the employment ban and a pull factor has so far gone unanswered. Publicly available and up-to-date figures show no correlation. If such a correlation, or even causation, existed, asylum migration would look very different from how it does today. Certainly, 28,000 refugees would not have risked their lives crossing the channel in boats in 2021 to come to the UK, where they cannot work; they would have headed to Sweden, which received just 10,000 applications for refugee status, even though asylum seekers can work after day one.

The 62,000 people who claimed asylum in Spain last year, where they must wait for six months to work, would have simply crossed the border into Portugal, whose 1,300 asylum applicants can get a job after one week. The people who applied for asylum in France—over 100,000 of them—where they must wait six months to work, could have just stopped in, or headed to, Italy, where they can work after two months. That some countries with stricter labour access laws often receive more asylum seekers, while, in many cases, fewer refugees go to countries with more relaxed rules around work, shows the lack of link between application numbers and employment rules. As we have repeatedly said in these debates, what the overwhelming evidence does point to as pull factors are those things that make almost all of us feel safe: our families, our friends, our communities, our language, a sense of shared history, and a country with a stable Government and respect for human rights.

We have an environment in which Ministers are nervous of appearing soft: I understand that. They are so nervous that even a widely beneficial, evidence-based, common-sense policy such as the right to work has yet to be accepted because it might make Britain a magnet. But I believe that this is wrong, and, while the negative and costly effects of this ban might not seem obvious, they are real. The ban costs the taxpayer an estimated £210 million a year. It leaves asylum seekers in poverty and institutionally dependent; it leaves businesses up and down the country without extra hands at a time of record job vacancies; it takes a terrible toll on people's mental health; and it damages any attempt at integration and future employment success.

It should not be so hard to reach agreement on a policy that has so much cross-party support and so many benefits. I spent years at the DWP, as a Conservative special adviser, working to support people into work and off welfare, only to be hindered from advancing the same opportunity to those who have sought the protection of this nation.

The instinct to work, to contribute and to provide for one's family is universal and integral to who we are as human beings. It is what it means to be human, each one according to their talent, gift, capacity and capability. We damage people when we forbid them to contribute. I urge the Government to keep thinking and to think again.

The Lord Bishop of Manchester: My Lords, I confess that I thought I had finished with ping-pong when I laid down my bat as table tennis captain of my college at university more than four decades ago. This is my first time at it in this rather different setting.

I rise to speak in support of Motions F1 and H1 in my name. I am extremely grateful to my right reverend friend the Bishop of Durham for his excellent previous work on these Motions. He is unable to be in his place today, so we worked on them together. I am also grateful for a letter I received this morning from leaders of many of the main Christian denominations in the United Kingdom, urging me to continue to press on these matters.

Clause 11 continues to be the most challenging part of the Bill in the way it differentiates the treatment of those who seek sanctuary in the UK. Therefore, I continue to support Motions B1 and C1. I also support Motion D1 and pretty well all others in this group.

It is a long-established principle of UK law that, when removing an individual to a third country, the UK has an obligation to ensure that this will not violate the person's human rights or the UK's obligations under international law. It is also a long-established principle, affirmed by the Supreme Court, that it is not enough for the third country to have signed international human rights treaties; it must respect them in practice.

Motion F1 would ensure that the UK can transfer an asylum seeker to another country only if that country is genuinely safe, both in law and in practice, for the individual being transferred, and where that individual's rights under the refugee convention and human rights law will be respected. The Motion would also prevent transfers under agreements such as the recent Rwanda-UK memorandum of understanding, which as I understand it is not legally binding on either party, where the standards of treatment in the receiving country are unspecified and unenforceable in any court. It is essential that clear minimum standards are set to ensure the UK does not send people we consider to be refugees, both legally and morally, to a country where they may be denied protection and put at risk of refoulement.

I listened to the Minister's assurances earlier and am grateful for them, but the UNHCR is clear:

"Such arrangements simply shift asylum responsibilities, evade international obligations, and are contrary to the letter and spirit of the Refugee Convention".

In its latest annual report, Amnesty International set out that in Rwanda:

"Violations of the rights to a fair trial, freedom of expression and privacy continued, alongside enforced disappearances, allegations of torture and excessive use of force."

Moreover, the Home Secretary's response to understandable concerns about Rwanda's human rights record that were raised in the other place demonstrates the risk that the designation of a particular country as safe may not be simply because it is safe but may become politicised or be influenced by broader foreign policy concerns. It is right that this country has foreign policy concerns, but they must not bleed into decisions about what is a safe country to which an asylum seeker could be sent. We need a clear, independent and enforceable legal standard.

My right reverend friend the Bishop of Chelmsford set out in a recent letter to the Home Secretary that the current plan to offshore asylum seekers to Rwanda

"treats the most vulnerable in our midst in a cruel and inhumane way".

My most reverend friend the Archbishop of Canterbury has put it even stronger, in words I will not remind the House of this afternoon.

Without the provisions set out in this amendment, the only bar to relocating an asylum seeker to a country with which they have no connection would be for each individual asylum seeker to demonstrate that removal there would violate their human rights under the European convention. Furthermore, demonstrating a risk of refoulement from a third country requires demonstrating that its asylum provisions are inadequate. This is something that requires expert knowledge. That is not practical for the vast majority of asylum seekers to demonstrate in their individual cases.

4.45 pm

I turn to Motion H1. My colleague, the right reverend Prelate the Bishop of Durham, has previously said:

"The fundamental premise of the Bill is that people seeking safety in the UK should arrive by safe and legal routes, rather than by making irregular journeys."

Nobody wants little boats in the Channel. The problem is, he goes on to say, that

"there are not sufficient safe routes from the countries where the majority of asylum seekers arriving in the UK originate."—[*Official Report*, 4/4/22; col. 1890.]

I listened carefully to the Minister's numbers earlier when she introduced this group of Motions, but in 2021, 43% of asylum seekers arriving in the UK were from the Middle East—a large number from Iran, Iraq and Syria; that is the highest proportion and number ever recorded. The UK resettlement scheme does provide a safe route, but the numbers that have been processed are pretty small and totally inadequate for the level of legitimate need that is out there. For those who are not Hong Kongers, not Afghan, not from Ukraine or not subject to a special rule, it is deeply concerning that at this very late stage no plan has been set out for how the Government intend to enhance their resettlement routes. A practicable but flexible resettlement target, published each year, would enable the Home Office to respond swiftly to immediate and intractable refugee crises. Indeed, the creation of an ongoing resettlement programme would also remove uncertainty. It would incentivise providers across the system to forward-plan and retain resettlement infrastructure that can be strengthened as needed, sometimes at fairly short notice.

I urge Her Majesty's Government to commit to setting out safe and legal routes and a numerical target, as set out in Motion H1. I urge the Minister to accept both Motions F1 and H1, but if she does not, and subject to my listening carefully to the continuance of this debate, I am presently minded to test the opinion of the House on Motion F1.

Viscount Hailsham (Con): My Lords, I shall speak to Motion F2, which stands in my name. Perhaps I might make three preliminary points. First, I apologise to your Lordships for having come late to this debate. I was moved to table Motion F2 by the Government's announced decision to enter into the agreement to offshore responsibility for asylum seekers to the Government of Rwanda; that is what has moved me to participate. Secondly, as alluded to by the right reverend Prelate the Bishop of Manchester, the substance of Motion F2 is in fact drawn from the Motion moved by the right reverend Prelate the Bishop of Durham, which successfully passed in this House on 4 April. Lastly, on a point alluded to by the right reverend Prelate, Motion F1, which he tabled, is of course to be considered before F2. I am sure that the right reverend Prelate, and certainly myself, will listen very carefully as to the sense of the House, as to whether there is support for either or both and, if so, in which order; that doubtless will influence us in deciding whether to test the opinion of the House.

The purpose of Motion F2 is a simple one: to ensure that the designation of a state as a safe country requires a resolution of both Houses of Parliament. As to the merits of the policy, I have very grave reservations about the cost and practicality of the Rwanda proposals. The experience of the Israeli Government, when they tried something rather similar, is not encouraging. I have great reservations about the legality of what is proposed. I accept of course that the noble Lord, Lord Pannick, has much greater expertise in this field than I do.

I note, of course, that Ministers have repeatedly said that the policy is consistent with international law and our obligations under the 1951 convention. Ministers repeatedly said that the policy of turning back the boats of asylum seekers was both legal and practical. However, it seems that, in the face of legal challenge as to both the practicality and the legality of the policy, the Home Office yesterday backed away from that position. I view the advice from this Home Office on these matters with very great caution.

Above all, my reservations about the Rwanda policy are based on my concerns as to its propriety. Can it be right to offload to somewhere else the responsibility for individuals who, for a time, have come into our jurisdiction? By doing so, we will have ensured that

[Viscount Hailsham]
Ministers who are responsible for where they have gone are not accountable for the way in which they are treated, and I am finding myself extraordinarily uncomfortable with that concept. I might say, as someone who was here yesterday morning when the Minister had to answer a Private Notice Question on this matter, that I think she would agree the House was deeply concerned about that proposal.

However, if the Government wish to proceed with this policy, I can see no reason in principle why they should not seek as a precondition the express authority of Parliament. If I have correctly interpreted the Minister's remarks in the debate on 4 April with regard to the 2004 Act, the principle of the affirmative resolution as a precondition to adding states to the list of safe countries has already been conceded. As I understand the 2004 Act—and it is not an easy one to understand—in respect of transfer to safe countries it provided for individual certification in respect of specific persons, whereas the present Bill is general in its application. But the principle of the affirmative resolution has been conceded; it is in legislation. So by all means have a debate about necessity but let us not have a debate about the principle, because that has been conceded.

The express parliamentary sanction for this policy is what Amendment F2 proposes—nothing more, nothing less. Before that consent will be given, the Government will have to satisfy Parliament that the criteria in paragraphs (a), (b) and (c) of new subsection (2B) contained in Schedule 3 are complied with.

The position of the Government as set out on the Order Paper is that it is not necessary to make the designation of a safe state by order dependent upon a statement as to costs. That was the position in the amendment moved by the right reverend Prelate the Bishop of Durham but it is not the position today, because the requirement for an assessment of costs has been removed from Amendment F2, which stands in my name.

In my view, it comes down to this: decisions of this kind, which affect the future and liberty of subjects of other countries but who have come here, is a matter that should be resolved by a vote of Parliament, not by the sole decision of the Executive. It is in furtherance of that view that I hope your Lordships, if circumstances allow, will support Amendment F2 in a Division.

Lord Kerr of Kinlochard (CB): I shall speak to Motion C1, which takes us back to the refugee convention. The House may well think that, after the learned crescendo from the noble Lord, Lord Pannick, and the noble and learned Lord, Lord Brown, there is nothing left to say on the subject—but I will try. The fact is that the biggest and most blatant breach of the convention in this Bill is in Clause 11; this brings in the two-class system, with the underclass not allowed convention rights or access to public funds because they did not come directly from the country where they feared persecution.

I have to say to the Minister that the safeguard of Clause 36 is insufficient. You cannot come directly from Asmara, Sana'a, Kabul or Kyiv—and in any case, of course, the convention does not allow for such segregation. When we signed up to it, we agreed that the only check made would be whether the asylum seeker's fear of persecution was real and well founded. That is what we have always done. Among those asylum seekers arriving by irregular routes—I note that, in every one of the last 10 years, there have been asylum seekers coming from Rwanda—75% of those coming by irregular routes have been found by the courts to be genuine asylum seekers and have been granted asylum. Their fears were well founded, but this Bill would put all of them in the underclass, with no convention rights.

This House has twice, by large majorities, thought that wrong, and that we should continue to honour the convention deal. As the noble and learned Lord, Lord Brown, reminded us, noble and learned Lords have repeatedly challenged the Government to explain why they see no incompatibility between the Bill and the convention. The Government's silence has been eloquent. In the other place, on 20 April, a junior Minister took two sentences to dismiss our views. Our principled objections to Clause 11 were not refuted, explained, or even mentioned.

My amendment today concedes the differentiation that the Government want, but diffuses it. They can have their two classes, provided that the distinction takes account of the fact that you cannot come directly from a warzone, and provided that those in the underclass are not made destitute, losing all their convention rights. Although the Government say that it is, this is not about small boats in the channel. Illegal, inhumane differentiation would have no deterrent effect because these are desperate people. The way to defeat the traffickers is to open safe routes and not to close the family reunion route as this Bill seeks to do.

I am no lawyer, as is probably obvious, but I have served my country for long enough to see how international reputations are built over time and destroyed overnight. Britain's reputation on humanitarian issues is a national asset, which should not be lightly thrown away. And for what? As the noble Lord, Lord Paddick, keeps reminding us, asylum seekers represent 4%, or sometimes 5%, of the annual immigration flow.

Finally, I have to say to the Minister that the Vienna Convention on the Law of Treaties does not permit a free-for-all of conflicting national interpretations, and it is misleading to imply that it does. In this House, we tend to insist that the rules-based system and international law matter. On the internal market Bill, we insisted, and our insistence carried the day. I think we must again insist that the other place finally address the big issue—better late than never—and think again about Clause 11. So, I am afraid, it is once more unto the breach, dear friends.

5 pm

Lord Horam (Con): My Lords, I shall add a little balance to this debate by speaking on behalf of the Government on this particular Bill. I speak in particular to Amendment C1 from the noble Lord, Lord Kerr, Amendment B1 from the noble Baroness, Lady Chakrabarti, and Amendment H1 from the right reverend Prelate the Bishop of Manchester. I say straightaway that I have great sympathy for the point of view they put forward in those three amendments. In particular,

it is almost certainly the case that there are not enough legal routes for genuine refugees to this country. I recognise what the Minister said about the extent to which we have already accommodated refugees and the figures she quoted, but I still think that we do not have enough legal routes for the generality of refugees, leaving aside those from Hong Kong, the Afghans and Syrians and so forth.

The noble Lord, Lord Paddick, made the point very well on the previous group of amendments that if we compare the number of asylum seekers to the number of economic migrants—the number of work visas, for example—that is the real problem: in numbers. It is numbers I am concerned about principally and not the number of asylum seekers, which is comparatively small. I would trade a reduction in the number of economic migrants—people taking work visas, particularly the golden visas we have heard about more recently as a result of the Ukraine war—for an increase in the number of legal routes for genuine asylum seekers. That would be a very sensible thing to do. Not only that but it would be humane. I would do it on the simple humanitarian grounds that some people need legal routes more than purely economic migrants.

But the problem with that argument is that it only goes so far. First, there is the capacity to absorb new immigrants, given where we are with a large number of work visas, family visas and undergraduate visas each year and, on top of that, the Ukrainians, those from Hong Kong and the rest, and particularly as most immigrants go into the poorer areas of our country. If you read about or experience, as I have done as a former Member of Parliament, the effect on housing, schooling and GPs in the poorer areas of this country of a rapidly increasing number of immigrants over quite a short period, you can see the anger and despair of ordinary British people dealing with this situation. You cannot leave that out of account, particularly when one of the Government's major objectives is the levelling-up agenda, which is precisely to help those areas most affected by the number of immigrants coming into the country, whether those are the large number of economic migrants or the smaller number of genuine refugees.

Finally on this point, however many legal routes we may have, we will not stop the traffickers in human beings just by having more legal routes. We have to tackle the problem directly. While there is a way of getting to this country by paying somebody £2,000 or £3,000 to come across the channel, people will take that opportunity. That is the difficulty. While I respect the views of the Opposition and the independents that we need more legal routes, that will not solve the problem of the traffickers across the channel. That is why we have this Bill; we need to tackle that problem directly.

I fully agree with the noble and learned Lord, Lord Brown of Eaton-under-Heywood, and the noble Lord, Lord Pannick, on the important point they made about the 2001 refugee convention. I do not want this Government to step outside that in any way. It would be a tragedy if that happened. It should not be allowed to happen; I believe that it will not happen. The noble Lord, Lord Pannick, said that there had been no really serious arguments from the Government against his position on this issue, but he must have heard the arguments from the noble Lord, Lord Wolfson of Tredegar, earlier in this Bill's passage. At some length and across several columns of *Hansard*, he set out in detail exactly what the Government's position was. Surely the noble Lord, Lord Pannick, must agree that the noble Lord, Lord Wolfson, was very persuasive. He may not agree with him, but he was certainly persuasive in his full and detailed account of the Government's position and why what they are doing remains within the refugee convention. That is the first point.

Secondly, lawyers such as the noble and learned Lord, Lord Brown, and the noble Lord, Lord Pannick, are arguing this in theory and in absentia, being in the Chamber as we are. However, it has already happened in Australia, which has for many years had an offshoring policy agreed between all the parties. In the early stages of that process, its Government had to argue precisely what our Government are arguing now: that what they were doing by way of offshoring was within the 1951 convention and did not abrogate or step outside it in any way. There were court cases in Australia on precisely this point. The Australian Government won them all, because they showed clearly that they were not stepping outside the 1951 convention. So there is that evidence from another country which has done precisely what our present Government are doing.

In addition, the Australian Government did a sensible thing. Throughout the long development of their offshoring policy—it took two or three years; this is not something that will be resolved here overnight, perhaps not even in a year or two—they made a point of having a dialogue with the UNHCR, which is the guardian of the refugee convention. At every stage, they took the trouble to talk to not only the UNHCR's headquarters in Geneva but to its local regional representatives and to allow them to inspect exactly what was happening in the offshoring areas and in Australia itself. This kept the UNHCR on board, if you like, so that it had no reasonable reason to disagree with what the Australian Government were doing. I hope that our Government will do exactly the same thing, because it is sensible to do so. We want the UNHCR to have an understanding that what our Government are doing is sensible and appropriate. We do not want to be excessively controversial.

There is a more general point about this Bill, which I have mentioned before. It is an enabling Bill. It simply sets the scene and gives the Government the power to do something. It is not the final policy. We are way off a final policy. For a start, we must have a sensible arrangement with France to deal with all this. I am sure that that will be a necessary part of any government policy. Having a sensible arrangement with France may be rather easier now that we know who its president is, but it will not be enough for Boris Johnson to say, "Donnez-moi un break, Emmanuel". He will have to have a much more rounded policy, which may take several years given all the other issues we have with France on shipping, the Northern Ireland protocol and all the rest of it. It will take a long time to sort that out; it is far from finished.

Equally, on offshoring, although I hear what my noble friend the Minister said about what information is available, I still feel extremely vague about what is

[Lord Horam]
happening. I have no idea whether it will work. I have many questions about how this is going to be pursued. It may be a disaster for all I know. I think that a great deal will depend on how exactly it is executed. Again, the Australians, who did this, always say to me that it takes great effort to get these sorts of policies going because they are international policies involving other Governments and you have to get that all right.

So what we are saying here is that this is an enabling Bill. I ask the noble Lord, Lord Kerr, to think back to his period as a distinguished diplomat. He might well be saying to the Government, in these circumstances, "Keep the Bill as broad as possible. Give yourselves as much room to manoeuvre as possible, because you simply do not know what will come up in the course of these negotiations with France, Rwanda or whoever". You have to allow for that and, if you find yourselves in a situation in which you would like to pursue a course of action but cannot, because the Bill simply does not allow for that and we do not have the legislation in place, it would be a disaster for the Government.

In that respect, we should consider that the Government do not have a final policy. We have an enabling Bill. Is it right for the Lords to prevent the Commons from even trying to have this policy, which may or may not eventually work? We should remember that, in the most recent votes on this, there was a majority of 70 or 80 in the Commons—more or less the government majority, without any dissent—on every single resolution put to it, against us and in favour of their arrangements. I cannot quote the present Attorney-General, but I can quote a recent one, Sir Robert Buckland. He is not necessarily any friend of the Government, as we know, because of the history there. He was the Attorney-General and is now the MP for South Swindon. He said that he worked with Priti Patel on the Bill and that

"it is in direct fulfilment of our manifesto commitment. There is no doubt in my mind about its importance and about the need for it to be passed."—[*Official Report*, Commons, 22/3/22; col. 212.]

That was the view of a recent Attorney-General, Sir Robert Buckland, who is no one's idea of a raving right-wing Tory.

Finally in all this, I think the Government should try to get as much consensus as possible, because I suspect this will be with us for several years—perhaps even over more than one Government, as it was in Australia. They should establish a forum for debate, where critics of the Government can talk and explain their worries and concerns. Maybe churchmen should be in it, and maybe the Refugee Council. The noble Lord, Lord Kerr, is a trustee of the Refugee Council, so maybe he should be on this forum. Something like that would be a means of discussion whereby we do not just talk at each other across the Chamber and in the newspapers, but talk seriously about this very important problem, which any Government of whatever description would have to resolve—namely, these illegal boat trips across the channel.

Baroness Jones of Moulsecoomb (GP): My Lords, I will be very brief after that monologue, which I found extremely boring. Forgive me if I am being rude; I do not know whether I am trespassing on any rules. But, really, if the noble Lord is coming to the Chamber, perhaps he could bring a speech and not choose to deliver some sort of long ramble, when we are quite short of time.

I am going to talk about Motion F1. I have listened to the Government and the Minister talking today about Rwanda and, quite honestly, I think their representation of Rwanda is extremely flawed. I draw the House's attention to one report from Amnesty International, in 2021, last year, which produced a review on Rwanda that said that there were huge human rights concerns. For example, abortion remains illegal in most circumstances. The Government interfere in the right to fair trial, including torturing the accused, denying access to legal counsel and confiscating legally privileged material. They arrest journalists and opposition politicians, and there are deaths in custody.

What is happening? The Government talk all the time about stopping these trafficking gangs, but our Government are becoming a trafficking gang. They are going to take people abroad and leave them there. They are taking them to a country that has human rights abuses. This is inhumane and cruel, and I will be voting for every single amendment today, because the Government have overreached and are making themselves an embarrassment for us in the world.

5.15 pm

Baroness Neville-Rolfe (Con): My Lords, I shall speak briefly—although I did think my noble friend Lord Horam, having been an MP, had a common-sense perspective.

I do not agree with Motion D1. The proposed right to work after six months here would be a significant pull factor, in addition to those already outlined by my noble friend Lady Stroud. It could even undermine the points-based system that is already leading to the UK welcoming many more people and more students now that Covid is largely behind us.

As noble Lords will recall, my main concern during the passage of the Bill has been the constantly expanding numbers of people arriving across the channel in small boats, sometimes with tragic consequences. The Rwanda proposal is a brave attempt to discourage the large number of young men, resident in France—which is a free country—who wish to come to the UK, mainly for economic reasons. Sadly, the vociferous critics of this proposal, some of whom we have heard from today, have no alternatives to propose. So I shall be supporting the Government today. I thank the Minister for all she has done to engage and for doing her best to progress this obviously difficult Bill.

Baroness Fox of Buckley (Non-Afl): My Lords, I rise with some hesitancy because I feel I am likely to be chastised for rambling, saying the wrong thing and going on too long. But let me see if I can entertain you.

I think that this is a very important and serious moment in a discussion on a very important and serious matter. I do not feel that this Bill will resolve it. I have been critical throughout on a range of issues and I feel that the Government have wasted opportunities —but I am not going to remind noble Lords of that.

At this point in the passage of the Bill, having listened to the considerations in the other place, we should recognise with a certain humility that the failure of the Government or Parliament to deal with the arrival by irregular routes of so many people is seen by so many citizens of this country as making a mockery of border control. This has led people to welcome the Rwanda solution as "At least somebody is trying to do something". People will ask, "What would you do about the boats crossing the channel?" It is fair enough for people to say that, if something appears to be a deterrent, maybe we should try it.

As it happens, I agree with the noble Lord, Lord Horam, that there are not enough legal routes. I would like to open up a debate about more economic migration for unskilled workers. This might not go down well with my fellow citizens, but I should like to try to win that argument. I am fed up with having to describe people who want to come into this country as asylum seekers, when I know that many of them want a better standard of living—and why should they not have it? I defend them.

But we are not even having this debate. In this House, all the emphasis is on international obligations and the rule of law. There is little discussion about our obligations to the sovereignty of this country or the rights of British citizens of all ethnicities who worry about the fact that borders are not controlled. Perhaps I may remind noble Lords who are sighing that in a different context people are perfectly happy to grandstand about nation states, national sovereignty and the importance of border control—but that is only when you are talking about Ukraine. This is a different question.

On the Rwanda scheme, while I do not think that subcontracting our responsibilities to refugees to another country is against the nature of God, I actually do not like it. It is largely a cowardly decision. Despite what I have said, I would not choose this method. Over many years I have argued against such an approach, because I have always thought that any organisation that outsources or subcontracts its obligations on migration—particularly to heavily beleaguered countries—to police its borders on their behalf is washing their hands of a problem that they should tackle.

When I was criticising other places for doing this, I was criticising the EU—fortress Europe—which, for decades, has had a history of dumping asylum seekers on its non-EU neighbours. In 2016, the EU signed a deal with Turkey in exchange for £6 billion. President Erdoğan—that democrat—promised to stop Syrian refugees crossing the Turkish border into Greece and Bulgaria, and anyone found to have entered Greece was illegally deported to Turkey. The EU's outsourcing of its migrant policy to, first, Colonel Gaddafi and, when he died, to warlords and militias or EU-funded Libyan detention centres has been a humanitarian disaster with torture and slavery at its heart. As it happens, Rwanda is not in that category, but I am always nervous about outsourcing to poor African countries that need the money; it seems unsavoury and cowardly. The reason these policies, which I feel avoid difficult problems, are greeted as they are by people is that they want something to be done. It equally avoids the problem and washes our hands of it to describe everyone in small boats as genuine refugees, and anyone who does not say that is seen as unkind. It also avoids the problem when you do not have an honest conversation about economic migration. It is equally cowardly and indulging in moral grandstanding to imply that "evil Tories" have turned into Nazis because they are actually putting forward a policy when no one knows what other policy to put forward. This does not help improve the level of debate about a very difficult situation.

Finally, and briefly, I support Motion D1, on the right to work, because it is ridiculous that we do not encourage people to have the right to work. In this instance, when the Government say that all claims should be settled within six months, I say to them: if they could get all the claims of the tens of thousands of people settled in a matter of months, we might not have a crisis where people say, "Bring in the Rwanda situation". The claims go on and on for years and no one really trusts the processes to be done efficiently by Home Office civil servants in the background—no disrespect intended—so people sit around unproductively for years. For those who think that this would mean that they might undermine the wages and salaries of British citizens and workers, which is always a concern, let me tell noble Lords that, when they are sitting around for months and years, most are working but they are just working on the black market. That is perfectly legitimate because we will not let them work responsibly. Alternatively, if they are not working, they are sitting around doing nothing for years and years. That is not a very positive contribution to the UK, even if you are going to ask them to leave after their asylum status has been assessed eventually. I urge the Government, in this instance, to reconsider.

Lord Kirkhope of Harrogate (Con): My Lords, I feel it necessary to say a few words because I was the Member responsible for bringing the amendments on offshoring to the House's attention. I do not intend to make another Second Reading speech, because this not Second Reading. I do not intend to repeat the speech I gave when I introduced amendments in Committee. I am still opposed to the whole question of offshoring, particularly to Rwanda, for the reasons I have already given. I believe that it is inappropriate, legally dubious and very expensive, and I do not believe that it will have the effect, as is argued, of deterring the traffickers who should be dealt with in a harsh manner.

The other end of this place has twice now made it very clear that it does not support the wisdom that has come from this House. There is a constitutional issue here. Ping-pong is what it is; I believe that the will of the other place will prevail. As we have argued so forcefully, the responsibility for these actions must be laid squarely now on the shoulders of our friends in the other place—the Conservative MPs in particular and the Government—and, on that basis, I rest my position.

Lord Green of Deddington (CB): I shall be extremely brief, noble Lords will be glad to hear. I should just like to draw attention to the state of public opinion, which is amazed by people arriving on our beaches in their tens of thousands. It was 30,000 last year; it

[Lord Green of Deddington]
could be double that this year. The public do not like it and they are right. It is very bad for the Government's reputation. It is not so good for the Opposition either, in that the political system is failing to deal with an obviously very serious question.

The only way to deal with it is to break the business model of the traffickers. The Rwanda proposal is very far from ideal but for the present we have no alternative. I have to say, therefore, that it has my reluctant support.

Lord Cormack (Con): My Lords, I just want to make three very brief points. First, I strongly agree with my noble friend Lord Kirkhope that ping-pong should not be an endless game. We should focus today on the two things which are recent and have come to our attention since the Bill came before us.

The first is dealt with by Amendment D1, tabled by the noble Baroness, Lady Lister of Burtersett, and supported by my noble friend Lady Stroud. The Government have very rightly said that Ukrainian refugees should be able to work when they get here—so they should. We do not need a different policy for other asylum seekers—a point made very eloquently by my noble friend Lady Stroud. I think we can focus on that today.

The other thing, of course, concerns Rwanda, where I strongly sympathise with the points made by my noble friend Lord Hailsham. Whatever the merits or otherwise of the policy—and I strongly sympathise with the brief but trenchant intervention of Theresa May in the other place—it ought to be for Parliament to make the ultimate decision. To my mind, the right reverend Prelate's amendment is far too long; my noble friend Lord Hailsham's is straight and to the point. If we are to deport asylum seekers from this country to a third country, it should be with the approbation of both Houses. I hope this House will not indulge in too many votes tonight because we have to observe, as my noble friend Lord Kirkhope said, the constitutional conventions and proprieties which mean that ping-pong should not be an endless game.

Lord Dubs (Lab): My Lords, I support the bulk of these amendments, particularly the Motion moved by my noble friend Lady Chakrabarti. I want to make some very brief comments because this is not a Second Reading debate, thank God.

I think the Minister said that the practice of claiming asylum in the first safe country one reaches is accepted Europe-wide. I would challenge that because the bulk of the refugees who have come to Europe have come through safe countries, whether they are the 1 million Syrians who went to Germany or the Ukrainians who are on their way to this country and elsewhere. That proposition, I am afraid, does not stand.

One theme that I have noticed in the debate this afternoon is the question of the validity of the 1951 Geneva convention. The Government, while accepting the convention in theory, seem to be challenging it all the way along the line. When the United Nations High Commissioner for Refugees makes a statement about the Geneva convention, we should be very careful before we challenge it, because who else has the international authority but the keeper of that convention: namely, UNHCR? When the UNHCR is critical of what is happening as regards Rwanda, we should listen to it.

5.30 pm

I do not want to open up the Rwanda argument, except to say this: it is such an important point of principle that I should like the Minister's assurance that no decision will be made to remove somebody to Rwanda until both Houses of Parliament have had a proper chance to debate it. We have not had that chance; we have slipped the points in at the tail of some other question or some other point. It is too important a principle, it is completely new for this country and we need to debate it.

I will refer very briefly to Motion G on family reunion, not because there is an amendment down—we have debated it several times—but because I want to be on the record in saying this. The Government say:

> "Because it will alter the financial arrangements made by the Commons, and the Commons do not offer any further reason, trusting that the Reason may be deemed sufficient."

That seems to me offensive. Surely, the principle of financial privilege is one that the Government often waive. They usually waive it when there is an important issue at stake. To dismiss an argument about human rights and family reunion on those grounds belittles the whole debate that we have had here on many occasions.

The Minister said that she did not like Amendment 10B because it would not be fair. What could be more important than the right to family reunion? Whether it is somebody who has come across the Channel on a dinghy or whatever, if they have come here and have an asylum claim that should be heard and they want to join their family here, surely that is absolutely fundamental. How can we say no to that proposition?

I think we should debate Rwanda because, if a young man comes over from Calais on a boat, are we to say to him, "You've got a family in Birmingham but, no, you can't go to them, off you go to Rwanda, where you will have to stay for the rest of your life, if you make a successful asylum claim"? That is why we should have a proper debate on Rwanda.

I support the amendments and I hope we will make the Commons think again.

Lord McColl of Dulwich (Con): My Lords, I will speak to Amendment 26B. This House has been united in agreeing that improvements are needed to Part 5 of the Bill. The human trafficking sector has made that very clear in briefings to your Lordships. I have kept my endeavours to the support for victims who have been through the national referral mechanism and, by the Government's own processes, have been confirmed as victims of modern slavery—as people who, by definition, have been through exploitation and trauma.

I am grateful to the Government for their commitment that victims in England and Wales will receive 12 months of tailored support. I am nevertheless extremely disappointed that the Government did not cross the next hurdle for victims and place this commitment in statute.

Last week, the Minister in the other place said that the Government were "unshakeable" in their position on my amendment. It is with regret that I have decided not to insist again—but I shall continue to be unshakeable myself in bringing this matter before your Lordships and the Government. I hope that the Minister will tell us the timetable to produce the guidance to which the Government have committed for confirmed victims. If not, will she give me details today; and, if not, write to me and place a copy in the Library?

I want to put on the record that I am grateful to all those in this House and beyond who have supported me during the passage of the Bill and voted for victims of modern slavery, and I pay tribute to my noble friend Lady Williams for all the help she has given me; I am most grateful.

Before I finish, I also want to raise several questions which fall within the scope of Amendments 53B and 53D. I understand the Government's need to control immigration and, in my work on modern slavery, I am clearly opposed to organised crime. I understand why the Government have decided to seek a deterrent to those crossing the Channel, but I am extremely concerned that modern slavery victims who seek asylum are the subject of paragraph 14 of the Government's memorandum of understanding with Rwanda.

We have spent months debating the care and identification of victims of trafficking, and it seems reasonable to assume that the UK is where that identification and care will occur. Please will the Minister set out the Government's intention on identification and care of victims of modern slavery under the agreement with Rwanda, and in which country identification and care will occur?

Lord Hacking (Lab): My Lords, I have listened to a debate of extremely strong argument and extreme persuasion, but I think it is now time that we got on with the task of sending back provisions of this Bill to the other place for it to reconsider. It is very touching for me to stand up for a moment here, because it is the 50th anniversary—exactly, to the day—of my maiden speech in this House.

Lord Mackay of Clashfern (Con): I have been made anxious by the intervention of the noble Lord, Lord Pannick, in this debate. I have to say that I do not think it is for me to decide whether this is in accordance with the law or not. The Law Officer of the Crown is the Attorney-General, and my understanding is that the Attorney-General has supported the Bill. Therefore, one can take it that her opinion is that it is lawful.

After all, lawyers sometimes disagree, and I am not prepared to put myself in the place of the Attorney-General of this Government. A very distinguished lady is in that office. Therefore, it is right for us to say that, so far as we are concerned, the Government have the advice of the appropriate Law Officer. It is also important that, if necessary, the Attorney-General is the adviser to this House. Therefore, it would be very difficult for us—or at least for me—to proceed on the assumption that this is unlawful. I of course understand the arguments about this, but the ultimate conclusion is that of the Attorney-General, and that, in my view, is why the Ministers in the other place asserted so strongly that this was lawful.

Lord Paddick (LD): My Lords, contrary to what the noble and learned Lord, Lord Mackay of Clashfern, has just said, I accept that the Attorney-General is a senior Law Officer. But she is also a member of the Government and, as far as I am concerned, in relation to Motions B and B1, it is vital that compliance of domestic legislation with the UK's international obligations—in this case, the 1951 refugee convention—is decided by the courts. If a precedent is set that a UK Government can reinterpret its international obligations by passing domestic legislation, where does it end? This Bill would remove refugees' fundamental human rights, as set out in an international convention to which the UK is a signatory, unless we support Motion B1.

Motion C1 applies the same principle. As the noble and learned Lord, Lord Brown of Eaton-under-Heywood, said, the UK courts have held time after time that an asylum seeker's temporary stop in another country on their way to the UK does not invalidate their claim for asylum in the UK, nor does a delay in presenting themselves to the authorities if they have good cause.

Motion C1 also, importantly, restates the provision in the Asylum and Immigration Appeals Act 1993 that the Immigration Rules must not result in a breach of the refugee convention. It also states the importance of the best interests of the child and the right to family unity, and we support it.

On Motions D and D1, we have long campaigned for the right of asylum seekers to work, and we continue to do so. We do not believe that any so-called pull factor, as the Government claim the right to work to be, is as strong or as impactful as the push factors that force asylum seekers to seek sanctuary in another country—or is even a consideration compared to them. This is even more obviously the case if the right to work is the same or less generous than in other countries, as this amendment proposes. As the noble Baroness, Lady Stroud, said, we wholeheartedly support it.

The issues in Motion E are arguably covered by Motion C1.

Motions F, F1 and F2 have been brought into stark relief by the Government's announcement of the signing of a memorandum of understanding with the Government of Rwanda. An article in the *Times* yesterday, for which a considerable number of asylum seekers in northern France were spoken to, proves what the Home Office's own civil servants have told the Home Secretary: that outsourcing, or offshoring, and the threat of permanent removal of asylum seekers to Rwanda will not deter channel crossings. That is what asylum seekers in northern France are saying.

The outrage of this House at these proposals was amply demonstrated yesterday, albeit unfairly directed at the Minister personally, in response to the Private Notice Question on the Rwanda deal. The Minister claimed that removal to places such as Rwanda had been legally possible for years. Can the Minister clarify whether offshoring is legally possible only if the Home Secretary certifies that a claim is without merit and that, even then, the claim can continue to be pursued from overseas? Is it right that there is no provision for a successful claimant of refugee status to be permanently excluded from the UK under current legislation?

[Lord Paddick]

The Minister talked about the cost of the asylum system being approximately £1.5 billion a year. Surely that is due mainly to the inefficiency and ineffectiveness of the Home Office, which has led to record levels of outstanding claims, despite the fact that the number of asylum claims is less than half of what it was a decade or so ago.

The Minister also said that noble Lords should read the memorandum of understanding. Some of us have. There is a section in it requiring Rwanda to provide appropriate support to those removed by the UK who are victims of modern slavery. Can the Minister confirm that the Government accept that victims of modern slavery will also be removed to Rwanda? Otherwise, why is that section contained in the MoU?

We will support anything that prevents this immoral and senseless government proposal being put into practice. If either the right reverend Prelate or the noble Viscount, Lord Hailsham, divide the House, we will support them.

On Motion G, as the Government have accepted in relation to Ukraine, family reunion is an important and effective means of providing sanctuary to asylum seekers, and we continue to support family reunion whenever and wherever we can.

On Motions H and H1, the Ukrainian refugee crisis has demonstrated how ill prepared the UK is and how uncaring the UK Government are in insisting on visas for dealing with the resettlement of refugees, compared with the generosity of the British people in offering to open up their homes. Setting a target and then gearing up to meet it is a sensible and pragmatic way of dealing with the issue, informed by local authorities.

5.45 pm

On Motions J and J1, as with the issues concerning the criminalisation of those genuinely rescuing migrants drowning in the channel, the Government's overzealous approach to criminalise anyone seeking asylum who has not arrived in the UK through the vanishingly small opportunities provided by government resettlement schemes is likely to have a chilling effect on those affected. It is simply not good enough for the Government to say that only in the most egregious cases will people be prosecuted. It will have a chilling effect on people who have no other choice but to claim asylum once they arrive in the UK.

Of course, those who are in breach of a deportation order or who have been excluded on national security grounds will know that they are committing a criminal offence if they enter the UK, as Motion J1 provides for, but the legislation, as in the case of Motion K1, is too widely drawn. We support Motion J1.

Lord Coaker (Lab): My Lords, I too will try to be brief, which does not always come naturally to me. I start by congratulating my noble friend Lord Hacking on his 50th Lords birthday, or whatever the equivalent is; that is absolutely amazing.

This is a very serious group of amendments, and I will try to cut to the nub on each of them. I take the point made very well by the noble Viscount, Lord Hailsham, about how sometimes in this place—I have limited experience here compared to many other noble Lords—the policy with respect to the Bill changes as we read our morning newspapers. The Government have completely retreated on the pushback policy, which we see withdrawn from the Bill. There was a debate on whether it needed to be part of the Bill; we could not get a clear answer on that. I said that the MoD and the Home Office were at loggerheads, the Government told us that they were not, and then the MoD refused to do something, so the Government had to withdraw it before it gets to court. Is it any wonder that we say to the Commons, "Do you know what you're doing?" and "You need to think again"?

I say to noble Lords, as I have to many people, that if the Commons had debated the 12 amendments and votes that went from this place for longer than an hour before they voted, we may have thought that this had been considered properly. While it is the constitutional right of this place to revise legislation and to say to the Commons to think again, we may have accepted that they had done that. However, in this case, as the House of Lords we are perfectly entitled to say to the Commons, "You spent an hour on it a couple of days ago; you can spend another hour on it this evening to think about whether you've got it right."

Of course, at the end of the day, the elected Chamber has the right to get its way, but so has this place the right to say to the Commons, "Do you really think you've got it right?" On serious matters, when we are talking about asylum and refugee status, we have the right to say to the Commons, as each and every one of these amendments does, "Are you trebly or doubly sure that you've got it right?"

Noble Lords: Hear, hear!

Lord Coaker (Lab): I turned around then because thought I was back in the Commons being heckled. That is why these amendments are so important.

Very briefly, on Motion C1, in the name of the noble Lord, Lord Kerr, and my Motion J1, which essentially deal with the same thing—the offence of arrival and the differential treatment—the Government and the Commons have failed to answer how on earth anybody can claim asylum in this country if they arrive here through an irregular route. They cannot; they are automatically assumed to be illegal. We are saying to the Government: surely that cannot be right.

Nobody wants unlimited irregular migration, but without Motion C1 or Motion J1 we are essentially saying in this Bill that Uighurs, Christians fleeing persecution and people from Ukraine or any of the hot spots of the world who come to this country are criminalised and are second-class refugees. Is that what we really want? On something as fundamental as that, we are perfectly entitled to turn around to the Government and ask, "Are you sure you've got that right? Is that what you really want?". If in the end they say yes, as I suspect they will, of course we will have reluctantly to give way, but do we really want to say that a Ukrainian being bombed and fleeing on 3 January or whenever the illegal Russian invasion started—it applies from 1 January—who arrives in this country without a visa, a passport and the proper papers is illegal and a second-class refugee? Is that right? All the

amendments from the noble Lord, Lord Kerr, and me seek to do is to ask, "Do you not need to think again on that?". I suggest that they do.

The right reverend Prelate's amendment essentially deals with safe and legal routes and the importance of what we have seen with respect to Rwanda. We saw in the Private Notice Question yesterday and the short remarks made today that there should have been a full and fundamental debate about Rwanda and the rights and wrongs of that policy. Rather than seeking workable safe return agreements with our closest neighbours, which we have successfully used in the past, the Government have instead spent millions of pounds press-releasing a deal that the Civil Service could not even sign off as being value for money. That is what we are being asked to accept and what Motion F1 on offshoring, in the name of the right reverend Prelate, seeks to deal with.

In closing, so that people get the gist that I support the amendments—I think we are right in sending a few back, if we and other noble Lords are lucky enough to get a majority in this House—I will speak to my noble friend Lady Chakrabarti's amendment. The noble Lord, Lord Pannick, and some other noble Lords have supported Motion B1. What I am going to read is so important; it speaks for itself. The Government say the Bill conforms to the refugee convention. Motion B1 is saying, "Let's put that in the Bill, then". Why is this so important? It is because this country flies in the face of what the UNHCR said. I will read the paragraph. I hope noble Lords will bear with me while I read this, then I will finish. The UNHCR said:

"The Nationality and Borders Bill follows almost to the letter the Government's New Plan for Immigration Policy Statement, issued on 24 March 2021, in some cases adding further restrictions on the right to claim asylum and on the rights of refugees. UNHCR must therefore regretfully reiterate its considered view that the Bill is fundamentally at odds with the Government's avowed commitment to upholding the United Kingdom's international obligations under the Refugee Convention and with the country's longstanding role as a global champion for the refugee cause."

That is why Motion B1 is so important, why the noble Lord, Lord Pannick, and other noble Lords have made the remarks they have, and why my noble friend Lady Chakrabarti has moved this Motion. The UNHCR has said that our global reputation is at risk. That is why we should ask the House of Commons to think again, and we are perfectly entitled to do so.

Baroness Williams of Trafford (Con): My Lords, I join other noble Lords in wishing the noble Lord, Lord Hacking, a very happy 50th anniversary of his maiden speech. I do not think I will be here on the 50th anniversary of my maiden speech; my family will not let me.

Yes, people have taken longer in this debate than they might have. It is an incredibly important Bill, so I do not accuse my noble friend Lord Horam of being long and rambling. As is the convention of your Lordships' House, everyone has a right to have their say. In my time I have listened to many a long and rambling speech and managed to keep a smile on my face, so I think we all should.

I will first talk to the points made by the noble Baroness, Lady Lister, supported by my noble friend Lady Stroud, on the cost of the right-to-work amendment. We have carefully considered all the evidence put forward on the issue, and the financial assumptions made by the *Lift the Ban* report are not supported by our findings. They are optimistic and do not reflect the nuanced reality of asylum seeker employment. To the extent that there would be any savings at all—that is doubtful—they are likely, in all cases, to come with a loss to the Home Office stemming from operating a more relaxed policy. There are a number of operational challenges, but the main ones relate to the likely need for many asylum seekers either to transition in and out of support while working, due to the nature of low-paid transitory jobs, or to continue to be supported while working. This would mean that savings on support payments would be extremely limited, while setting up and maintaining a system to calculate adjustments to such payments as wages rise and fall, week to week and month to month, would be complex and costly.

As a result, the Government's view is that our resources would be better deployed in reforming the end-to-end asylum system and reducing unfounded intake, thereby resulting in faster decisions and genuine refugees being able to work and integrate more quickly. My noble friend and I agree on the ends, just not on the means to get there.

I turn next to the speech made by the right reverend Prelate the Bishop of Manchester. I repeat that the UK is a global leader in resettlement. We have provided a route to resettlement for more than 100,000 people.

On the refugee convention, as my noble and learned friend Lord Mackay of Clashfern said, the Attorney-General has signed off this Bill. We maintain that our policy complies fully with our international obligations and is a good faith interpretation in line with the Vienna convention. As the noble Lord, Lord Kerr, said, the Vienna convention is not intended to be a free-for-all; there are parameters in it. Where the terms of the refugee convention are open to some interpretation, there may of course be more than one good faith, compatible interpretation. I notice that the noble Lord is shaking his head—I never expected him to agree with me—but that is our view. My noble friend Lord Wolfson has set out at great length his view on the refugee convention.

The noble Lord, Lord Pannick, challenges me to make the statement that we do not think it complies but are doing it anyway; he will not be surprised that I am not going to do that. The noble Lord, Lord Paddick, said it is for the courts to decide our interpretation. No, it is for Parliament.

In response to the speech made by my noble friend Lord Hailsham, supported by my noble friend Lord Cormack, I reiterate that these amendments would go significantly beyond existing legislation, which has of course been in place for decades.

The noble Lord, Lord Dubs, asked me to confirm that there will be a chance to debate the Rwanda partnership in both Houses before any individual is removed. There has already been significant debate on the partnership in a Statement by the Home Secretary, in Commons Questions, in a PNQ and again in this House today. I know there will be many more opportunities to debate this.

[Baroness Williams of Trafford]

The noble Lord, Lord Dubs, also asked about family reunion. As I have said to him on many occasions, those with family links in the UK who want to be considered for entry to the UK should seek to do so via legal and safe routes. No one should put their life into the hands of criminals by making dangerous and irregular journeys. I assure the noble Lord that access to family reunion will be available to all group 1 and group 2 refugees where a refusal would breach their Article 8 rights, in line with our international obligations.

My noble friend Lord McColl and the noble Lord, Lord Paddick, asked how the Rwanda partnership would apply to victims of modern slavery. Decisions on the partnership will be taken on a case-by-case basis and nobody will be relocated if it is unsafe or inappropriate for them. Everyone considered for relocations will be screened, interviewed and have access to legal advice. The provision in the MoU ensures that Rwanda supports everyone who is transferred. Again, I reassure noble Lords that we will only ever act in line with our commitments under our international legal obligations, including those that pertain to potential and confirmed victims of modern slavery.

6 pm

I will be clear: this Bill and our new plan for immigration deliver what the British people want and are what the Government intend to deliver. The Bill will make our immigration system fairer. It will protect and support those in genuine need and deter illegal entry, which will help to smash the terrible and, frankly, life-endangering business model of criminals.

I note that the other place has expressed what the British people want with substantial majorities against these provisions. Again going back to the leader of the Opposition, on Sunday, he shared our view that the best place for an asylum claim to be made is in the country nearest to where they are fleeing from. I encourage noble Lords to hear the will of the British people, the elected House and the leaders of both parties, in recognising the need to discourage people from making dangerous journeys.

Baroness Chakrabarti (Lab): My Lords, I am grateful to all noble Lords without exception, and especially to the Minister for her characteristic calm and courtesy, if not for the content of some of her message. She had one substantive argument against Motion B1, which was her constitutional objection that, somehow, the courts would trump the will of Parliament if we put the Government's commitment to this legislation honouring the refugee convention on the face of the Bill.

With all due respect, not least to the noble Baroness and her hard-working advisers, if there was anything in that argument, it would have been better addressed to the previous iterations of my amendment. This time, the amendment on the Marshalled List says that this legislation

"must be read and given effect",

subject to the refugee convention,

"So far as it is possible to do so".

If a provision of this Bill is found to be so clearly incompatible with the refugee convention, the court or tribunal would have to respect the will of Parliament and simply make a declaration to that effect. With respect, I think that constitutional balance point has been pre-empted by the new draft of this amendment. That is what we do for the ECHR. The sentiment of the short remarks of the Minister in the other place seem to be that we honour both the ECHR and the refugee convention. It seems illogical, in legislation that is for refugees, not to put those two matters on the same statutory footing.

Further, in her earlier remarks, the noble Baroness said that rules that are made under the 1993 legislation cannot be made in a way that is incompatible with the refugee convention. So rules under the 1993 Act would be subject to refugee convention protection, but acts of discretion by individual prosecutors, immigration officers or the Home Secretary under this legislation would not be subject to the same protection. I thank the noble Lord, Lord Horam, for his significant assistance with that argument, because he referred to this as "enabling" legislation. Whether noble Lords agree with that particular adjective, he is right that there are many discretions in this part. My modest amendment would ensure that these discretions, where possible, would have to be exercised in a way that is compatible with the refugee convention. If it is not possible to do so, the language cannot be interpreted out of existence by the courts under the new draft. I am grateful to the noble Lord, Lord Horam, for that.

Finally, refugees and asylum seekers did not feature significantly in the Conservative manifesto of 2019, but it said this:

"We will continue to grant asylum and support to refugees fleeing persecution, with the ultimate aim of helping them to return home if it is safe to do so."

"We will ensure no matter where in the world you or your family come from, your rights will be respected and you will be treated with fairness and dignity."

That was the manifesto commitment.

In a jurisdiction that has no entrenched Bill of Rights or written constitution, no Supreme Court or constitutional court with strike-down powers, this place, your Lordships' House, has a significant role to play when fundamental and constitutional rights are at stake, and where there is no conflict with the Government's manifesto commitments or their repeated and expressly stated policy. Motion B1 honours all of that: the manifesto promise and the policy stated expressly and repeatedly by Ministers in both Houses of Parliament. I ask noble Lords to agree it.

6.06 pm

Division on Motion B1

Contents 244; Not-Contents 219.

Motion B1 agreed.

Division No. 1

CONTENTS

Aberdare, L.	Alton of Liverpool, L.
Addington, L.	Anderson of Ipswich, L.
Alderdice, L.	Anderson of Swansea, L.
Allan of Hallam, L.	Armstrong of Hill Top, B.

Bach, L.
Bakewell of Hardington Mandeville, B.
Bakewell, B.
Barker, B.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley of Knighton, L.
Berkeley, L.
Billingham, B.
Blackstone, B.
Blair of Boughton, L.
Blake of Leeds, B.
Blower, B.
Blunkett, L.
Boateng, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Boycott, B.
Bradley, L.
Brinton, B.
Brooke of Alverthorpe, L.
Brown of Eaton-under-Heywood, L.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bull, B.
Burnett, L.
Burt of Solihull, B.
Campbell of Surbiton, B.
Carlile of Berriew, L.
Carter of Coles, L.
Cashman, L.
Chakrabarti, B.
Chandos, V.
Chapman of Darlington, B.
Clark of Windermere, L.
Clarke of Nottingham, L.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Colville of Culross, V.
Corston, B.
Craig of Radley, L.
Craigavon, V.
Crawley, B.
Cromwell, L.
Davidson of Glen Clova, L.
Davies of Brixton, L.
Davies of Stamford, L.
Desai, L.
Devon, E.
Dholakia, L.
Dixon-Smith, L.
Donaghy, B.
Doocey, B.
Drake, B.
D'Souza, B.
Dubs, L.
Elder, L.
Erroll, E.
Falkner of Margravine, B.
Faulkner of Worcester, L.
Featherstone, B.
Foster of Bath, L.
Fowler, L.
Fox, L.
Gale, B.
Garden of Frognal, B.
German, L.
Glasgow, E.
Glasman, L.
Goddard of Stockport, L.
Golding, B.
Grantchester, L.
Green of Hurstpierpoint, L.
Greenway, L.
Grender, B.
Grey-Thompson, B.
Grocott, L.
Guildford, Bp.
Hacking, L.
Hailsham, V.
Hamwee, B.
Hannay of Chiswick, L.
Hanworth, V.
Harris of Haringey, L.
Harris of Richmond, B.
Haworth, L.
Hayman of Ullock, B.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Hollins, B.
Hope of Craighead, L.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Hutton of Furness, L.
Janke, B.
Janvrin, L.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Jones, L.
Jordan, L.
Judge, L.
Kakkar, L.
Kennedy of Southwark, L.
Kerr of Kinlochard, L.
Khan of Burnley, L.
Kinnoull, E.
Knight of Weymouth, L.
Kramer, B.
Lawrence of Clarendon, B.
Layard, L.
Lee of Trafford, L.
Lennie, L.
Liddell of Coatdyke, B.
Liddle, L.
Lipsey, L.
Lister of Burtersett, B.
Londesborough, L.
Loomba, L.
Low of Dalston, L.
Ludford, B.
Macdonald of River Glaven, L.
Mackenzie of Framwellgate, L.
Macpherson of Earl's Court, L.
Mallalieu, B.
Manchester, Bp.
Mandelson, L.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
Maxton, L.
McAvoy, L.
McConnell of Glenscorrodale, L.
McDonald of Salford, L.
McIntosh of Hudnall, B.
McNally, L.
McNicol of West Kilbride, L.
Meacher, B.
Miller of Chilthorne Domer, B.
Monks, L.
Morgan of Huyton, B.
Morris of Aberavon, L.
Morris of Yardley, B.
Morse, L.
Murphy of Torfaen, L.
Neuberger, B.
Newby, L.
Northover, B.
Nye, B.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Pannick, L.
Parminter, B.
Pendry, L.
Pinnock, B.
Ponsonby of Shulbrede, L.
Primarolo, B.
Prosser, B.
Purvis of Tweed, L.
Ramsay of Cartvale, B.
Ramsbotham, L.
Razzall, L.
Rebuck, B.
Redesdale, L.
Rennard, L.
Richards of Herstmonceux, L.
Ritchie of Downpatrick, B.
Roberts of Llandudno, L.
Robertson of Port Ellen, L.
Rooker, L.
Rosser, L.
Royall of Blaisdon, B.
Sandwich, E.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Sikka, L.
Smith of Newnham, B.
Snape, L.
Stansgate, V.
Stephen, L.
Stern, B.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Bolton, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Triesman, L.
Tunnicliffe, L.
Turnberg, L.
Tyler of Enfield, B.
Uddin, B.
Vaux of Harrowden, L.
Verjee, L.
Wallace of Saltaire, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watson of Invergowrie, L.
Wellington, D.
Wheatcroft, B.
Wheeler, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Wood of Anfield, L.
Woodley, L.
Woolf, L.
Worthington, B.
Wrigglesworth, L.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altmann, B.
Altrincham, L.
Arbuthnot of Edrom, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Astor, V.
Attlee, E.
Austin of Dudley, L.
Balfe, L.
Barran, B.
Bellingham, L.
Benyon, L.
Berridge, B.
Bethell, L.
Black of Brentwood, L.
Blackwell, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Brabazon of Tara, L.
Bridgeman, V.
Bridges of Headley, L.
Brougham and Vaux, L.
Browne of Belmont, L.
Browning, B.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Cameron of Dillington, L.
Camrose, V.
Carrington of Fulham, L.
Cathcart, E.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Colgrain, L.
Colwyn, L.
Cormack, L.
Courtown, E.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Curry of Kirkharle, L.
Davies of Gower, L.
De Mauley, L.
Deech, B.
Deighton, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Dunlop, L.

Eaton, B.
Eccles of Moulton, B.
Eccles, V.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fairhead, B.
Farmer, L.
Faulks, L.
Fellowes of West Stafford, L.
Finn, B.
Fleet, B.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Fox of Buckley, B.
Framlingham, L.
Fraser of Craigmaddie, B.
Frost, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Glendonbrook, L.
Godson, L.
Gold, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goschen, V.
Green of Deddington, L.
Greenhalgh, L.
Griffiths of Fforestfach, L.
Grimstone of Boscobel, L.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harding of Winscombe, B.
Harlech, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Hogan-Howe, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kamall, L.
Keen of Elie, L.
Kilclooney, L.
King of Bridgwater, L.
Kirkham, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Lansley, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Lucas, L.
Mackay of Clashfern, L.
Mancroft, L.
Manzoor, B.
Marland, L.
Marlesford, L.
Maude of Horsham, L.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Meyer, B.
Mone, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrow, L.
Moylan, L.
Moynihan, L.
Naseby, L.
Nash, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Pidding, B.
Popat, L.
Porter of Spalding, L.
Price, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Ribeiro, L.
Risby, L.
Robathan, L.
Rock, B.
Rogan, L.
Saatchi, L.
Sanderson of Welton, B.
Sandhurst, L.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Shephard of Northwold, B.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Spencer of Alresford, L.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathcarron, L.
Strathclyde, L.
Sugg, B.
Suri, L.
Taylor of Holbeach, L.
Taylor of Warwick, L.
Trefgarne, L.
Trenchard, V.
True, L.
Udny-Lister, L.
Vaizey of Didcot, L.
Vere of Norbiton, B.
Verma, B.
Wakeham, L.
Wasserman, L.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Willetts, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

6.22 pm

Motion C

Moved by ***Baroness Williams of Trafford***

That this House do not insist on its Amendment 6B, to which the Commons have disagreed for their Reason 6C.

6C: Because the Commons consider that it is possible to accord different treatment to refugees depending on whether they have complied with the criteria set out in clause 11 in a way which is compliant with the Refugee Convention.

Baroness Williams of Trafford (Con): My Lords, I have already spoken to Motion C, so I beg to move.

Motion C1 (as an amendment to Motion C)

Moved by ***Lord Kerr of Kinlochard***

At end insert "and do propose Amendments 6D, 6E and 6F in lieu—

6D: Page 13, line 44, at end insert—

"(2A) A refugee is not to be regarded as failing to comply with the requirement in subsection (2)(a) if, in coming to the United Kingdom, they have stopped in another country outside the United Kingdom with the intention that the stopover in the intermediate country was to be a brief transit on the way to the United Kingdom.

(2B) A refugee is not to be regarded as failing to comply with the requirement in subsection (2)(b) if they had good cause to delay the point at which they presented themselves to the authorities."

6E: Page 14, line 6, at end insert—

"(4A) It shall be for the Secretary of State to prove a failure to comply with the requirement in subsection (2)(a), (2)(b) or (3), as the case may be."

6F: Page 14, line 32, at end insert—

"(8A) In accordance with section 2 of the Asylum and Immigration Appeals Act 1993, no such immigration rules shall lay down any practice or differentiate in any way which would be contrary to the Refugee Convention.

(8B) Immigration rules implementing this provision must take due account of the best interests of children and the fundamental right to family unity in all cases.""

Lord Kerr of Kinlochard (CB): I beg to move Motion C1.

6.23 pm

Division on Motion C1

Contents 227; Not-Contents 219.

Motion C1 agreed.

Division No. 2

CONTENTS

Aberdare, L.
Addington, L.
Alderdice, L.
Allan of Hallam, L.
Alton of Liverpool, L.
Amos, B.
Anderson of Swansea, L.
Bach, L.
Bakewell of Hardington Mandeville, B.

Bakewell, B.
Barker, B.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley of Knighton, L.
Berkeley, L.
Blackstone, B.
Blair of Boughton, L.
Blake of Leeds, B.
Blower, B.
Blunkett, L.
Boateng, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Boycott, B.
Bradley, L.
Brinton, B.
Brooke of Alverthorpe, L.
Brown of Eaton-under-Heywood, L.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bull, B.
Burnett, L.
Burt of Solihull, B.
Campbell of Surbiton, B.
Campbell-Savours, L.
Carlile of Berriew, L.
Carter of Coles, L.
Cashman, L.
Chakrabarti, B.
Chapman of Darlington, B.
Clark of Windermere, L.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Colville of Culross, V.
Corston, B.
Crawley, B.
Cromwell, L.
Davidson of Glen Clova, L.
Davies of Brixton, L.
Davies of Stamford, L.
Desai, L.
Devon, E.
Dholakia, L.
Donaghy, B.
Doocey, B.
Drake, B.
D'Souza, B.
Dubs, L.
Elder, L.
Erroll, E.
Falkner of Margravine, B.
Faulkner of Worcester, L.
Featherstone, B.
Foster of Bath, L.
Fox, L.
Gale, B.
German, L.
Glasgow, E.
Glasman, L.
Goddard of Stockport, L.
Golding, B.
Green of Hurstpierpoint, L.
Greenway, L.
Grender, B.
Grey-Thompson, B.
Grocott, L.
Guildford, Bp.
Hacking, L.
Hamwee, B.
Hannay of Chiswick, L.
Hanworth, V.
Harris of Haringey, L.
Harris of Richmond, B.
Haworth, L.
Hayman of Ullock, B.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Hope of Craighead, L.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Hutton of Furness, L.
Janke, B.
Janvrin, L.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Jones, L.
Jordan, L.
Judge, L.
Kennedy of Southwark, L.
Kerr of Kinlochard, L.
Kerslake, L.
Khan of Burnley, L.
Kinnoull, E.
Knight of Weymouth, L.
Kramer, B.
Lawrence of Clarendon, B.
Layard, L.
Lee of Trafford, L.
Lennie, L.
Liddell of Coatdyke, B.
Liddle, L.
Lipsey, L.
Lister of Burtersett, B.
Londesborough, L.
Loomba, L.
Ludford, B.
Macdonald of River Glaven, L.
Mackenzie of Framwellgate, L.
Macpherson of Earl's Court, L.
Mallalieu, B.
Manchester, Bp.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
Maxton, L.
McAvoy, L.
McConnell of Glenscorrodale, L.
McDonald of Salford, L.
McIntosh of Hudnall, B.
McNally, L.
McNicol of West Kilbride, L.
Meacher, B.
Mendelsohn, L.
Miller of Chilthorne Domer, B.
Monks, L.
Morgan of Huyton, B.
Morris of Yardley, B.
Morse, L.
Murphy of Torfaen, L.
Neuberger, B.
Newby, L.
Northover, B.
Nye, B.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Pannick, L.
Parminter, B.
Pendry, L.
Pinnock, B.
Primarolo, B.
Prosser, B.
Purvis of Tweed, L.
Ramsay of Cartvale, B.
Ramsbotham, L.
Razzall, L.
Rebuck, B.
Redesdale, L.
Reid of Cardowan, L.
Rennard, L.
Richards of Herstmonceux, L.
Ritchie of Downpatrick, B.
Roberts of Llandudno, L.
Robertson of Port Ellen, L.
Rooker, L.
Rosser, L.
Royall of Blaisdon, B.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Sikka, L.
Smith of Newnham, B.
Snape, L.
Stansgate, V.
Stephen, L.
Stern, B.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Bolton, B.
Taylor of Goss Moor, L.
Taylor of Warwick, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Triesman, L.
Tunnicliffe, L.
Turnberg, L.
Tyler of Enfield, B.
Uddin, B.
Verjee, L.
Wallace of Saltaire, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watson of Invergowrie, L.
Wellington, D.
Wheatcroft, B.
Wheeler, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Woodley, L.
Wrigglesworth, L.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altrincham, L.
Arbuthnot of Edrom, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Astor, V.
Attlee, E.
Balfe, L.
Barran, B.
Bellingham, L.
Benyon, L.
Berridge, B.
Bethell, L.
Black of Brentwood, L.
Blackwell, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Bridgeman, V.
Bridges of Headley, L.
Browne of Belmont, L.
Browning, B.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Cameron of Dillington, L.
Camrose, V.
Carrington of Fulham, L.
Cathcart, E.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Clarke of Nottingham, L.
Colgrain, L.
Colwyn, L.
Cormack, L.
Courtown, E.
Craigavon, V.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Deech, B.
Deighton, L.
Dixon-Smith, L.
Dobbs, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Eccles of Moulton, B.
Eccles, V.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Farmer, L.
Faulks, L.
Fellowes of West Stafford, L.

Finn, B.
Fleet, B.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Framlingham, L.
Fraser of Craigmaddie, B.
Frost, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Glendonbrook, L.
Godson, L.
Gold, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goschen, V.
Green of Deddington, L.
Greenhalgh, L.
Griffiths of Fforestfach, L.
Grimstone of Boscobel, L.
Hailsham, V.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harding of Winscombe, B.
Harlech, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kakkar, L.
Kamall, L.
Keen of Elie, L.
Kilclooney, L.
King of Bridgwater, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Lansley, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Lucas, L.
Mackay of Clashfern, L.
Mancroft, L.
Manzoor, B.
Marland, L.
Marlesford, L.
Maude of Horsham, L.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Mone, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrow, L.
Moylan, L.
Naseby, L.
Nash, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Popat, L.
Porter of Spalding, L.
Price, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Ribeiro, L.
Risby, L.
Robathan, L.
Rock, B.
Saatchi, L.
Sanderson of Welton, B.
Sandhurst, L.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Shephard of Northwold, B.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Spencer of Alresford, L.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathcarron, L.
Strathclyde, L.
Sugg, B.
Taylor of Holbeach, L.
Trefgarne, L.
Trenchard, V.
Udny-Lister, L.
Vaizey of Didcot, L.
Vaux of Harrowden, L.
Vere of Norbiton, B.
Verma, B.
Wakeham, L.
Wasserman, L.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Willetts, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

6.36 pm

Motion D

Moved by ***Baroness Williams of Trafford***

That this House do not insist on its Amendments 7B and 7C, to which the Commons have disagreed for their Reasons 7D and 7E.

7D: Because the Commons consider that asylum-seekers (save in limited circumstances) and their adult dependants should not be permitted to work while a decision on their claim for asylum is pending, even for a trial period of 4 years.

7E: Because it is consequential on Lords Amendment 7B to which the Commons disagree.

Baroness Williams of Trafford (Con): I have already spoken to Motion D, so I beg to move.

Motion D1 (as an amendment to Motion D)

Moved by ***Baroness Lister of Burtersett***

At end insert "and do propose Amendments 7F and 7G in lieu—

7F: After Clause 12, insert the following new Clause—

"Changes to the Immigration Act 1971

(1) The Immigration Act 1971 is amended as follows.

(2) After section 3(2) (general provisions for regulation and control) insert—

"(2A) Regulations under subsection (2) must provide that persons, and adult dependants of persons, who are applying for asylum in the United Kingdom are granted permission by the Secretary of State to take up employment if—

(a) a decision at first instance has not been taken on the applicant's asylum application within six months of the date on which the application was made, or

(b) a person makes an application or a further application which raises asylum grounds, and a decision on that new application, or a decision on whether to treat such further asylum grounds as a new application, has not been taken within six months of the date on which the further application was made.

(2B) For the purposes of subsection (2A), regulations must ensure that permission granted allowing people applying for asylum in the United Kingdom, and their adult dependants, to take up employment, is on terms no less favourable than the terms granted to a person with recognised refugee status.

(2C) Such permission is to be valid until the claim is determined and all appeal rights have been exhausted and individuals granted permission to work must be issued with physical proof of the right to work."

(3) The Secretary of State may, by regulations made by statutory instrument, repeal subsection (2) of this section, if the conditions set out in subsections (4) and (5) have been met.

(4) The first condition is that within three years of the coming into force of this section, but no sooner than two years after the coming into force of this section, the Secretary of State has commissioned a review of whether the provisions inserted into the Immigration Act 1971 by subsection (2) have acted in such a way as to encourage persons applying for asylum, and adult dependants of such persons, to travel to the United Kingdom.

(5) The second condition is that the Secretary of State has, within three years of the coming into force of this section, published the outcome of the review under subsection (4).

(6) Regulations under subsection (3) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament."

7G: Clause 83, page 84, line 27, at end insert—

"(aa) section (Changes to the Immigration Act 1971);""

Baroness Lister of Burtersett (Lab): I beg to move.

6.37 pm

Division on Motion D1

Contents 220; Not-Contents 219.

Motion D1 agreed.

Division No. 3

CONTENTS

Aberdare, L.
Addington, L.
Alderdice, L.
Allan of Hallam, L.
Alton of Liverpool, L.
Amos, B.
Anderson of Swansea, L.
Armstrong of Hill Top, B.
Bach, L.
Bakewell of Hardington Mandeville, B.
Bakewell, B.
Barker, B.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley of Knighton, L.
Berkeley, L.
Blackstone, B.
Blair of Boughton, L.
Blake of Leeds, B.
Blower, B.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Boycott, B.
Bradley, L.
Brinton, B.
Brooke of Alverthorpe, L.
Brown of Eaton-under-Heywood, L.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bull, B.
Burnett, L.
Burt of Solihull, B.
Campbell-Savours, L.
Carlile of Berriew, L.
Cashman, L.
Chakrabarti, B.
Chandos, V.
Chapman of Darlington, B.
Clark of Windermere, L.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Cormack, L.
Corston, B.
Crawley, B.
Cromwell, L.
Davidson of Glen Clova, L.
Davies of Brixton, L.
Deech, B.
Desai, L.
Dholakia, L.
Donaghy, B.
Doocey, B.
D'Souza, B.
Dubs, L.
Elder, L.
Erroll, E.
Falkner of Margravine, B.
Faulkner of Worcester, L.
Featherstone, B.
Foster of Bath, L.
Fox of Buckley, B.
Fox, L.
Gale, B.
German, L.
Glasgow, E.
Glasman, L.
Goddard of Stockport, L.
Golding, B.
Grantchester, L.
Green of Hurstpierpoint, L.
Grender, B.
Grey-Thompson, B.
Grocott, L.
Guildford, Bp.
Hacking, L.
Hailsham, V.
Hamwee, B.
Hannay of Chiswick, L.
Harris of Haringey, L.
Harris of Richmond, B.
Haworth, L.
Hayman of Ullock, B.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Hutton of Furness, L.
Janke, B.
Janvrin, L.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Jones, L.
Jordan, L.
Kennedy of Southwark, L.
Kerr of Kinlochard, L.
Khan of Burnley, L.
Kinnoull, E.
Knight of Weymouth, L.
Kramer, B.
Lawrence of Clarendon, B.
Layard, L.
Lee of Trafford, L.
Lennie, L.
Liddell of Coatdyke, B.
Liddle, L.
Lipsey, L.
Lister of Burtersett, B.
Londesborough, L.
Low of Dalston, L.
Ludford, B.
Lytton, E.
Mackenzie of Framwellgate, L.
Mallalieu, B.
Manchester, Bp.
Mann, L.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
Maxton, L.
McAvoy, L.
McConnell of Glenscorrodale, L.
McDonald of Salford, L.
McIntosh of Hudnall, B.
McNally, L.
McNicol of West Kilbride, L.
Meacher, B.
Mendelsohn, L.
Miller of Chilthorne Domer, B.
Monks, L.
Morgan of Huyton, B.
Morris of Yardley, B.
Murphy of Torfaen, L.
Neuberger, B.
Newby, L.
Northover, B.
Nye, B.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Pannick, L.
Parminter, B.
Pendry, L.
Pinnock, B.
Ponsonby of Shulbrede, L.
Porter of Spalding, L.
Primarolo, B.
Prosser, B.
Purvis of Tweed, L.
Ramsay of Cartvale, B.
Ramsbotham, L.
Razzall, L.
Rebuck, B.
Redesdale, L.
Rennard, L.
Ritchie of Downpatrick, B.
Roberts of Llandudno, L.
Robertson of Port Ellen, L.
Rooker, L.
Rosser, L.
Royall of Blaisdon, B.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Sikka, L.
Smith of Newnham, B.
Snape, L.
Stansgate, V.
Stephen, L.
Stern, B.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Bolton, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Triesman, L.
Tunnicliffe, L.
Turnberg, L.
Tyler of Enfield, B.
Uddin, B.
Vaux of Harrowden, L.
Verjee, L.
Wallace of Saltaire, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watson of Invergowrie, L.
Wellington, D.
Wheatcroft, B.
Wheeler, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Wood of Anfield, L.
Woodley, L.
Wrigglesworth, L.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altrincham, L.
Arbuthnot of Edrom, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Astor, V.
Attlee, E.
Balfe, L.
Barran, B.
Bellingham, L.
Benyon, L.
Bethell, L.
Black of Brentwood, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Bridgeman, V.
Bridges of Headley, L.
Brougham and Vaux, L.
Browne of Belmont, L.
Browning, B.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Cameron of Dillington, L.
Camrose, V.
Carrington of Fulham, L.
Cathcart, E.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Clarke of Nottingham, L.
Colgrain, L.
Colville of Culross, V.
Colwyn, L.

Courtown, E.
Craig of Radley, L.
Craigavon, V.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Deighton, L.
Dixon-Smith, L.
Dobbs, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fairhead, B.
Farmer, L.
Faulks, L.
Fellowes of West Stafford, L.
Finn, B.
Fleet, B.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Framlingham, L.
Fraser of Craigmaddie, B.
Frost, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Glendonbrook, L.
Godson, L.
Gold, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goschen, V.
Green of Deddington, L.
Greenhalgh, L.
Griffiths of Fforestfach, L.
Grimstone of Boscobel, L.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harding of Winscombe, B.
Harlech, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Hoey, B.
Hogan-Howe, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kakkar, L.
Kamall, L.
Keen of Elie, L.
Kilclooney, L.
King of Bridgwater, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Lansley, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Lucas, L.
Mackay of Clashfern, L.
Mancroft, L.
Manzoor, B.
Marland, L.
Maude of Horsham, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Mone, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrow, L.
Moylan, L.
Moynihan, L.
Naseby, L.
Nash, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Polak, L.
Popat, L.
Price, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Ribeiro, L.
Richards of Herstmonceux, L.
Risby, L.
Robathan, L.
Rock, B.
Rogan, L.
Saatchi, L.
Sanderson of Welton, B.
Sandhurst, L.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Shephard of Northwold, B.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Spencer of Alresford, L.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathcarron, L.
Strathclyde, L.
Sugg, B.
Taylor of Holbeach, L.
Taylor of Warwick, L.
Trefgarne, L.
Trenchard, V.
True, L.
Udny-Lister, L.
Vaizey of Didcot, L.
Vere of Norbiton, B.
Verma, B.
Wakeham, L.
Wasserman, L.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Willetts, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

6.50 pm

Motion E

Moved by ***Baroness Williams of Trafford***

That this House do not insist on its Amendments 8B and 8C, to which the Commons have disagreed for their Reasons 8D and 8E.

8D: Because the Commons do not consider it appropriate that the commencement of clause 15 should be dependent on the conclusion of international agreements with other States, even for a period of 5 years.

8E: Because it is consequential on Lords Amendment 8B to which the Commons disagree.

Baroness Williams of Trafford (Con): My Lords, I have already spoken to Motion E, so I beg to move.

Motion E agreed.

Motion F

Moved by ***Baroness Williams of Trafford***

That this House do not insist on its Amendments 53B, 53C and 53D, to which the Commons have disagreed for their Reasons 53E, 53F and 53G.

53E: Because the Commons do not consider it necessary for a safe State to be prescribed by order before persons can be removed there, or for the ability to remove a person to a safe State to be dependent on the laying before Parliament of the costs of arrangements made with a safe State.

53F: Because it is consequential on Lords Amendment 53B to which the Commons disagree.

53G: Because it is consequential on Lords Amendment 53B to which the Commons disagree.

Baroness Williams of Trafford (Con): My Lords, I have already spoken to Motion F, so I beg to move.

Motion F1 (as an amendment to Motion F)

Moved by ***The Lord Bishop of Manchester***

At end insert "and do propose Amendment 53H in lieu—

53H: Page 88, line 11, leave out paragraphs 1 and 2 and insert—

"1 In section 77 of the Nationality, Immigration and Asylum Act 2002 (no removal while claim for asylum pending), after subsection (2) insert—

"(2A) This section does not prevent a person being removed to, or being required to leave to go to, a third State, where all of the following conditions are met—

(a) the removal is pursuant to a formal, legally binding and public readmission or transfer agreement between the United Kingdom and the third State;

(b) the criteria for removal are public, transparent and non-discriminatory;

(c) the State is a safe State, as shown by reliable, objective and up-to-date information, in that there are, in law and practice—

(i) appropriate reception arrangements for asylum-seekers;

(ii) sufficiency of protection against persecution, threats to physical safety, violations of fundamental rights, and other serious harms;

(iii) respect for human rights in accordance with international standards;

(iv) protection against refoulement;

(v) fair and efficient State asylum procedures, with sufficient capacity to process asylum claims fairly and in a timely manner;

(vi) the legal right to remain during the State asylum procedure; and

(vii) if found to be in need of international protection, a grant of refugee status that is inclusive of the rights and obligations set out at Articles 2 to 34 of the Refugee Convention;

(d) the person will have access to such fair and efficient asylum procedures, or to a previously afforded refugee status or other protective status that is inclusive of the rights and obligations set out at Articles 2 to 34 of the Refugee Convention;

(e) it has been determined following an individualised assessment in which the person has an effective right to participate that it is reasonable for the person to go to that State in light of their individual circumstances, including—

(i) their ties to the United Kingdom;

(ii) their vulnerabilities and specific needs, including but not limited to their sexual or gender identity and any history of modern slavery, torture, or gender-based violence;

(iii) the prospects of their long-term integration into the receiving State; and

(iv) any reasons that the State may not be safe for them; and

(f) the person is not a national of that State.

(2B) The Secretary of State must in each year lay a report before both Houses of Parliament which includes—

(a) the number of people who have been removed to a third State while their asylum claim is pending;

(b) the cost of removal per person."""

The Lord Bishop of Manchester: My Lords, I wish to test the opinion of the House.

6.51 pm

Division on Motion F1

Contents 216; Not-Contents 221.

Motion F1 disagreed.

Division No. 4

CONTENTS

Addington, L.
Adebowale, L.
Alderdice, L.
Allan of Hallam, L.
Alton of Liverpool, L.
Amos, B.
Anderson of Ipswich, L.
Anderson of Swansea, L.
Armstrong of Hill Top, B.
Bach, L.
Bakewell of Hardington Mandeville, B.
Bakewell, B.
Barker, B.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley, L.
Blackstone, B.
Blair of Boughton, L.
Blake of Leeds, B.
Blunkett, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Boycott, B.
Bradley, L.
Brinton, B.
Brooke of Alverthorpe, L.
Brown of Eaton-under-Heywood, L.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bull, B.
Burnett, L.
Burt of Solihull, B.
Cameron of Dillington, L.
Campbell of Surbiton, B.
Campbell-Savours, L.
Carlile of Berriew, L.
Cashman, L.
Chakrabarti, B.
Chandos, V.
Chapman of Darlington, B.
Clark of Windermere, L.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Colville of Culross, V.
Corston, B.
Crawley, B.
Davidson of Glen Clova, L.
Davies of Brixton, L.
Desai, L.
Dholakia, L.
Donaghy, B.
Doocey, B.
Drake, B.
D'Souza, B.
Dubs, L.
Elder, L.
Faulkner of Worcester, L.
Featherstone, B.
Foster of Bath, L.
Fox, L.
Gale, B.
German, L.
Glasgow, E.
Goddard of Stockport, L.
Golding, B.
Grantchester, L.
Green of Hurstpierpoint, L.
Grender, B.
Grey-Thompson, B.
Grocott, L.
Guildford, Bp.
Hacking, L.
Hamwee, B.
Hannay of Chiswick, L.
Hanworth, V.
Harris of Haringey, L.
Harris of Richmond, B.
Haworth, L.
Hayman of Ullock, B.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Hutton of Furness, L.
Janke, B.
Janvrin, L.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Jones, L.
Jordan, L.
Kennedy of Southwark, L.
Kerr of Kinlochard, L.
Kerslake, L.
Khan of Burnley, L.
Knight of Weymouth, L.
Kramer, B.
Lawrence of Clarendon, B.
Lee of Trafford, L.
Lennie, L.
Liddell of Coatdyke, B.
Liddle, L.
Lipsey, L.
Lister of Burtersett, B.
Londesborough, L.
Low of Dalston, L.
Ludford, B.
Lytton, E.
Mallalieu, B.
Manchester, Bp.
Mandelson, L.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
Maxton, L.
McAvoy, L.
McConnell of Glenscorrodale, L.
McDonald of Salford, L.
McIntosh of Hudnall, B.
McNally, L.
McNicol of West Kilbride, L.
Meacher, B.
Mendelsohn, L.
Merron, B.
Miller of Chilthorne Domer, B.
Monks, L.
Morgan of Huyton, B.
Morris of Yardley, B.
Murphy of Torfaen, L.
Neuberger, B.
Newby, L.
Northover, B.
Nye, B.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Pannick, L.
Parminter, B.
Pendry, L.
Pinnock, B.
Ponsonby of Shulbrede, L.
Primarolo, B.
Prosser, B.
Purvis of Tweed, L.
Ramsay of Cartvale, B.
Ramsbotham, L.
Razzall, L.
Rebuck, B.
Redesdale, L.
Reid of Cardowan, L.
Rennard, L.
Ritchie of Downpatrick, B.
Roberts of Llandudno, L.
Robertson of Port Ellen, L.
Rooker, L.
Rosser, L.
Royall of Blaisdon, B.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Sikka, L.
Smith of Newnham, B.
Snape, L.
Stansgate, V.
Stephen, L.
Stern, B.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.

Stunell, L.
Suttie, B.
Taylor of Bolton, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Triesman, L.
Tunnicliffe, L.
Turnberg, L.
Tyler of Enfield, B.
Uddin, B.
Verjee, L.
Wallace of Saltaire, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watkins of Tavistock, B.
Watson of Invergowrie, L.
Wheatcroft, B.
Wheeler, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Wood of Anfield, L.
Woodley, L.
Wrigglesworth, L.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Aberdare, L.
Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altmann, B.
Altrincham, L.
Arbuthnot of Edrom, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Astor, V.
Attlee, E.
Austin of Dudley, L.
Balfe, L.
Barran, B.
Bellingham, L.
Benyon, L.
Bethell, L.
Black of Brentwood, L.
Blackwell, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Bridgeman, V.
Bridges of Headley, L.
Brougham and Vaux, L.
Browne of Belmont, L.
Browning, B.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Camrose, V.
Carrington of Fulham, L.
Cathcart, E.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Clarke of Nottingham, L.
Colgrain, L.
Colwyn, L.
Cormack, L.
Courtown, E.
Craig of Radley, L.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Deech, B.
Deighton, L.
Dixon-Smith, L.
Dobbs, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Eccles of Moulton, B.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Farmer, L.
Faulks, L.
Fellowes of West Stafford, L.
Finn, B.
Fleet, B.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Framlingham, L.
Fraser of Craigmaddie, B.
Frost, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Glendonbrook, L.
Godson, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goschen, V.
Green of Deddington, L.
Greenhalgh, L.
Greenway, L.
Griffiths of Fforestfach, L.
Grimstone of Boscobel, L.
Hailsham, V.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harding of Winscombe, B.
Harlech, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hoey, B.
Hogan-Howe, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kamall, L.
Keen of Elie, L.
Kilclooney, L.
King of Bridgwater, L.
Kirkham, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Lansley, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Lucas, L.
Mackay of Clashfern, L.
Mackenzie of Framwellgate, L.
Mancroft, L.
Manzoor, B.
Marland, L.
Marlesford, L.
Maude of Horsham, L.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrow, L.
Moylan, L.
Moynihan, L.
Naseby, L.
Nash, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Polak, L.
Popat, L.
Porter of Spalding, L.
Price, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Ribeiro, L.
Risby, L.
Robathan, L.
Rock, B.
Rogan, L.
Saatchi, L.
Sanderson of Welton, B.
Sandhurst, L.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Shephard of Northwold, B.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Spencer of Alresford, L.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathcarron, L.
Strathclyde, L.
Taylor of Holbeach, L.
Taylor of Warwick, L.
Trefgarne, L.
Trenchard, V.
True, L.
Udny-Lister, L.
Vaizey of Didcot, L.
Vaux of Harrowden, L.
Vere of Norbiton, B.
Verma, B.
Wakeham, L.
Wasserman, L.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Willetts, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Young of Cookham, L.
Younger of Leckie, V.

7.04 pm

Motion F2 not moved.

Motion F agreed.

Motion G

Moved by ***Baroness Williams of Trafford***

That this House do not insist on its Amendment 10B, to which the Commons have disagreed for their Reason 10C.

10C: Because it would alter the financial arrangements made by the Commons, and the Commons do not offer any further reason, trusting that this Reason may be deemed sufficient.

Baroness Williams of Trafford (Con): My Lords, I have already spoken to Motion G and I beg to move.

Motion G agreed.

Motion H

Moved by ***Baroness Williams of Trafford***

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

11C: Because the Commons consider that requiring a numerical target for the resettlement of refugees to the United Kingdom each year is neither necessary nor appropriate.

Baroness Williams of Trafford (Con): My Lords, I have already spoken to Motion H and I beg to move.

Motion H1 not moved.

Motion H agreed.

Motion J

Moved by ***Baroness Williams of Trafford***

That this House do not insist on its Amendment 13B, to which the Commons have disagreed for their Reason 13C, or on its Amendment 15, to which the Commons have insisted on their disagreement.

13C: Because the Commons do not consider that it is appropriate to replace the proposed offence of knowingly arriving in the United Kingdom without valid entry clearance where it is required with an offence of knowingly arriving in breach of a deportation order.

Baroness Williams of Trafford (Con): My Lords, I have already spoken to Motion J and I beg to move.

Motion J1 (as an amendment to Motion J)

Moved by ***Lord Coaker***

At end insert "and do propose Amendment 13D as an amendment in lieu and Amendment 13E as a consequential amendment—

13D: Page 40, leave out lines 5 to 9 and insert—

"(D1) A person who knowingly arrives in the United Kingdom—

(a) in breach of a deportation order, or

(b) following their exclusion from the United Kingdom on the grounds of national security,

commits an offence."

13E: Page 41, line 4, leave out paragraph (e)"

Lord Coaker (Lab): I beg to move Motion J1 in my name.

7.06 pm

Division on Motion J1

Contents 205; Not-Contents 225.

Motion J1 disagreed.

Division No. 5

CONTENTS

Addington, L.
Adebowale, L.
Adonis, L.
Alderdice, L.
Allan of Hallam, L.
Alton of Liverpool, L.
Amos, B.
Anderson of Swansea, L.
Armstrong of Hill Top, B.
Bach, L.
Bakewell of Hardington Mandeville, B.
Bakewell, B.
Barker, B.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley, L.
Blackstone, B.
Blair of Boughton, L.
Blake of Leeds, B.
Blunkett, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Boycott, B.
Bradley, L.
Brinton, B.
Brooke of Alverthorpe, L.
Brown of Eaton-under-Heywood, L.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bull, B.
Burnett, L.
Burt of Solihull, B.
Campbell-Savours, L.
Chakrabarti, B.
Chandos, V.
Chapman of Darlington, B.
Clark of Windermere, L.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Colville of Culross, V.
Corston, B.
Craig of Radley, L.
Crawley, B.
Davidson of Glen Clova, L.
Davies of Brixton, L.
Dholakia, L.
Donaghy, B.
Doocey, B.
Drake, B.
D'Souza, B.
Dubs, L.
Elder, L.
Faulkner of Worcester, L.
Featherstone, B.
Foster of Bath, L.
Fox, L.
Gale, B.
German, L.
Glasgow, E.
Goddard of Stockport, L.
Golding, B.
Grantchester, L.
Green of Hurstpierpoint, L.
Grender, B.
Grocott, L.
Guildford, Bp.
Hacking, L.
Hamwee, B.
Hannay of Chiswick, L.
Hanworth, V.
Harris of Haringey, L.
Harris of Richmond, B.
Haworth, L.
Hayman of Ullock, B.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Hogan-Howe, L.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Janke, B.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Jones, L.
Jordan, L.
Kennedy of Southwark, L.
Kerr of Kinlochard, L.
Kerslake, L.
Khan of Burnley, L.
Knight of Weymouth, L.
Kramer, B.
Lawrence of Clarendon, B.
Layard, L.
Lee of Trafford, L.
Lennie, L.
Liddell of Coatdyke, B.
Liddle, L.
Lister of Burtersett, B.
Ludford, B.
Lytton, E.
Mackenzie of Framwellgate, L.
Mallalieu, B.
Manchester, Bp.
Mandelson, L.
Mann, L.
Marks of Henley-on-Thames, L.
Maxton, L.
McAvoy, L.
McConnell of Glenscorrodale, L.
McDonald of Salford, L.
McIntosh of Hudnall, B.
McNally, L.
McNicol of West Kilbride, L.
Meacher, B.
Mendelsohn, L.
Merron, B.
Miller of Chilthorne Domer, B.
Monks, L.
Morgan of Huyton, B.
Morris of Yardley, B.
Murphy of Torfaen, L.
Neuberger, B.
Newby, L.
Northover, B.
Nye, B.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Pannick, L.
Parminter, B.

Pendry, L.
Pinnock, B.
Ponsonby of Shulbrede, L.
Primarolo, B.
Prosser, B.
Purvis of Tweed, L.
Ramsay of Cartvale, B.
Ramsbotham, L.
Razzall, L.
Rebuck, B.
Redesdale, L.
Reid of Cardowan, L.
Rennard, L.
Ritchie of Downpatrick, B.
Roberts of Llandudno, L.
Robertson of Port Ellen, L.
Rooker, L.
Rosser, L.
Royall of Blaisdon, B.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Sikka, L.
Smith of Newnham, B.
Snape, L.
Stansgate, V.
Stephen, L.
Stern, B.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Bolton, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Tunnicliffe, L.
Turnberg, L.
Tyler of Enfield, B.
Uddin, B.
Verjee, L.
Wallace of Saltaire, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watson of Invergowrie, L.
Wellington, D.
Wheatcroft, B.
Wheeler, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Wrigglesworth, L.
Young of Old Scone, B.

NOT CONTENTS

Aberdare, L.
Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altmann, B.
Altrincham, L.
Arbuthnot of Edrom, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Astor, V.
Attlee, E.
Austin of Dudley, L.
Balfe, L.
Barran, B.
Bellingham, L.
Benyon, L.
Berridge, B.
Bethell, L.
Black of Brentwood, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Bridgeman, V.
Bridges of Headley, L.
Brougham and Vaux, L.
Browne of Belmont, L.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Camrose, V.
Carlile of Berriew, L.
Carrington of Fulham, L.
Cathcart, E.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Clarke of Nottingham, L.
Colgrain, L.
Colwyn, L.
Cormack, L.
Courtown, E.
Craigavon, V.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Deech, B.
Deighton, L.
Dixon-Smith, L.
Dobbs, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Eccles of Moulton, B.
Eccles, V.
Empey, L.
Evans of Bowes Park, B.
Fairhead, B.
Farmer, L.
Faulks, L.
Fellowes of West Stafford, L.
Finn, B.
Fleet, B.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Framlingham, L.
Fraser of Craigmaddie, B.
Frost, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Glendonbrook, L.
Godson, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goschen, V.
Green of Deddington, L.
Greenhalgh, L.
Greenway, L.
Griffiths of Fforestfach, L.
Grimstone of Boscobel, L.
Hailsham, V.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harding of Winscombe, B.
Harlech, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Hoey, B.
Holmes of Richmond, L.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kamall, L.
Keen of Elie, L.
Kilclooney, L.
King of Bridgwater, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Lansley, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Londesborough, L.
Lucas, L.
Mackay of Clashfern, L.
Mancroft, L.
Manzoor, B.
Marland, L.
Marlesford, L.
Maude of Horsham, L.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Mone, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrow, L.
Moylan, L.
Moynihan, L.
Naseby, L.
Nash, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Popat, L.
Porter of Spalding, L.
Price, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Ribeiro, L.
Risby, L.
Robathan, L.
Rock, B.
Rogan, L.
Saatchi, L.
Sanderson of Welton, B.
Sandhurst, L.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Shephard of Northwold, B.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Spencer of Alresford, L.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathclyde, L.
Sugg, B.
Suri, L.
Taylor of Holbeach, L.
Taylor of Warwick, L.
Trefgarne, L.
Trenchard, V.
True, L.
Udny-Lister, L.
Vaizey of Didcot, L.
Vaux of Harrowden, L.
Vere of Norbiton, B.
Verma, B.
Wakeham, L.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Willetts, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

7.18 pm

Motion J agreed.

Motion K

Moved by ***Baroness Williams of Trafford***

That this House do not insist on its Amendment 20B, to which the Commons have disagreed for their Reason 20C.

20C: Because the Commons consider that the offence of facilitating the entry of an asylum seeker into the United Kingdom should be capable of prosecution whether or not the defendant has a reasonable excuse for doing so.

Baroness Williams of Trafford (Con): My Lords, I have already spoken to Motion K, and I beg to move.

Motion K1 (as an amendment to Motion K)

Moved by ***Lord Paddick***

At end insert "and do propose Amendment 20D in lieu—

20D: Page 41, line 41, at end insert— "(3A) After section 25A(3) insert—

"(3A) Subsection (1) does not apply to a person whose action is taken for humanitarian reasons including the preservation of life."""

Lord Paddick (LD): My Lords, I beg to move.

7.19 pm

Division on Motion K1

Contents 112; Not-Contents 224.

Motion K1 disagreed.

Division No. 6

CONTENTS

Addington, L.
Adebowale, L.
Alderdice, L.
Allan of Hallam, L.
Alton of Liverpool, L.
Bach, L.
Bakewell of Hardington Mandeville, B.
Barker, B.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Blackstone, B.
Blair of Boughton, L.
Blunkett, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Boycott, B.
Brinton, B.
Brown of Eaton-under-Heywood, L.
Bruce of Bennachie, L.
Burnett, L.
Burt of Solihull, B.
Campbell-Savours, L.
Carlile of Berriew, L.
Clement-Jones, L.
Davies of Stamford, L.
Dholakia, L.
Doocey, B.
D'Souza, B.
Featherstone, B.
Ford, B.
Foster of Bath, L.
Fox of Buckley, B.
Fox, L.
German, L.
Glasgow, E.
Goddard of Stockport, L.
Grender, B.
Guildford, Bp.
Hamwee, B.
Hannay of Chiswick, L.
Harris of Richmond, B.
Hayman, B.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Janke, B.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Kennedy of Cradley, B.
Kerr of Kinlochard, L.
Kerslake, L.
Kramer, B.
Lee of Trafford, L.
Ludford, B.
Lytton, E.
Manchester, Bp.
Marks of Henley-on-Thames, L.
McAvoy, L.
McDonald of Salford, L.
McNally, L.
Miller of Chilthorne Domer, B.
Murphy of Torfaen, L.
Neuberger, B.
Newby, L.
Northover, B.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Pannick, L.
Parminter, B.
Pendry, L.
Pinnock, B.
Purvis of Tweed, L.
Razzall, L.
Redesdale, L.
Rennard, L.
Roberts of Llandudno, L.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Shipley, L.
Smith of Newnham, B.
Stephen, L.
Stern, B.
Stoneham of Droxford, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thurso, V.
Tope, L.
Touhig, L.
Tyler of Enfield, B.
Uddin, B.
Verjee, L.
Wallace of Saltaire, L.
Walmsley, B.
Wheatcroft, B.
Wheeler, B.
Wigley, L.
Willis of Knaresborough, L.
Wood of Anfield, L.
Wrigglesworth, L.

NOT CONTENTS

Aberdare, L.
Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altmann, B.
Altrincham, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Astor, V.
Attlee, E.
Austin of Dudley, L.
Balfe, L.
Barran, B.
Bellingham, L.
Benyon, L.
Berridge, B.
Bethell, L.
Black of Brentwood, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Bridgeman, V.
Bridges of Headley, L.
Brougham and Vaux, L.
Browne of Belmont, L.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Camrose, V.
Carrington of Fulham, L.
Cathcart, E.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Clarke of Nottingham, L.
Colgrain, L.
Colwyn, L.
Cormack, L.
Courtown, E.
Craig of Radley, L.
Craigavon, V.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Deech, B.
Deighton, L.
Dixon-Smith, L.
Dobbs, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Eccles of Moulton, B.
Eccles, V.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fairhead, B.
Farmer, L.
Faulks, L.
Fellowes of West Stafford, L.
Finn, B.
Fleet, B.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Framlingham, L.
Fraser of Craigmaddie, B.
Frost, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Glendonbrook, L.
Godson, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goschen, V.
Green of Deddington, L.
Green of Hurstpierpoint, L.
Greenhalgh, L.
Greenway, L.
Griffiths of Fforestfach, L.
Grimstone of Boscobel, L.
Hailsham, V.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harding of Winscombe, B.
Harlech, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Henley, L.

Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Hoey, B.
Hogan-Howe, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kamall, L.
Keen of Elie, L.
Kilclooney, L.
King of Bridgwater, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Lansley, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Londesborough, L.
Lucas, L.
Mackay of Clashfern, L.
Manzoor, B.
Marland, L.
Marlesford, L.
Maude of Horsham, L.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Mone, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrow, L.
Moylan, L.
Moynihan, L.
Naseby, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Porter of Spalding, L.
Price, L.
Ramsbotham, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Ribeiro, L.
Risby, L.
Robathan, L.
Rock, B.
Rogan, L.
Saatchi, L.
Sanderson of Welton, B.
Sandhurst, L.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Shephard of Northwold, B.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Spencer of Alresford, L.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathcarron, L.
Strathclyde, L.
Sugg, B.
Taylor of Holbeach, L.
Taylor of Warwick, L.
Trefgarne, L.
Trenchard, V.
True, L.
Udny-Lister, L.
Vaizey of Didcot, L.
Vaux of Harrowden, L.
Vere of Norbiton, B.
Verma, B.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Willetts, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

7.32 pm

Motion K agreed.

Motion L

Moved by ***Baroness Williams of Trafford***

That this House do not insist on its Amendment 25B, to which the Commons have disagreed for their Reason 25C.

25C: Because the Commons consider that limiting the circumstances in which a competent authority can disqualify an identified potential victim of slavery or human trafficking from protection in the manner proposed would prevent the disqualification of persons who are a threat to public order and whom the United Kingdom is permitted to disqualify under the terms of the Trafficking Convention.

Baroness Williams of Trafford (Con): My Lords, I have already spoken to Motion L. I beg to move.

Motion L1 (as an amendment to Motion L)

Moved by ***Lord Coaker***

At end insert "and do propose Amendment 25D in lieu—

25D: Leave out Clause 62 and insert the following new Clause—

"Identified potential victims etc: disqualification from protection

(1) This section applies to the construction and application of Article 13 of the Trafficking Convention.

(2) A competent authority may determine that it is not bound to observe the minimum recovery period under section 60 of this Act in respect of a person in relation to whom a positive reasonable grounds decision has been made if the authority is satisfied that it is prevented from doing so—

(a) on the grounds of public order; or

(b) where the person is claiming to be a victim of modern slavery improperly.

(3) For the purposes of subsection (2)(a), the circumstances in which there are grounds of public order are where—

(a) the person has been convicted of a terrorist offence; or

(b) the person is subject to a TPIM notice (within the meaning given by section 2 of the Terrorism Prevention and Investigation Measures Act 2011).

(4) The Secretary of State must, within one year of this Act being passed—

(a) prepare and publish a consultation on whether the circumstances in which there are grounds of public order under subsection (3) should be expanded to include circumstances where a person has been convicted of any specific offence listed in Schedule 4 to the Modern Slavery Act 2015, other than a terrorist offence; and

(b) lay a response to the consultation before each House of Parliament.

(5) A consultation response published under subsection (4)(b) must include a statement setting out how any proposed additions to subsection (3) are compliant with the Trafficking Convention.

(6) In subsection (3) a "terrorist offence" means any of the following (whenever committed)—

(a) an offence listed in—

(i) Schedule A1 to the Sentencing Code (terrorism offences: England and Wales), or

(ii) Schedule 1A to the Counter-Terrorism Act 2008 (terrorism offences: Scotland and Northern Ireland);

(b) an offence that was determined to have a terrorist connection under—

(i) section 69 of the Sentencing Code (in the case of an offender sentenced in England and Wales), or

(ii) section 30 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Northern Ireland, or an offender sentenced in England and Wales before the Sentencing Code applied);

(c) an offence that has been proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter- Terrorism Act 2008 (in the case of an offender sentenced in Scotland).

(7) Any determination made under subsection (2) must only be made—

(a) in exceptional circumstances;

(b) where necessary and proportionate to the threat posed, including that the person in question poses an immediate, genuine, present and serious threat to public order; and

(c) following an assessment of all the circumstances of the case.

(8) A determination made under subsection (2) must not be made where it would breach—

(a) a person's rights under the European Convention on Human Rights;

(b) the United Kingdom's obligations under the Trafficking Convention; or

(c) the United Kingdom's obligations under the Refugee Convention.

(9) For the purposes of a determination under subsection (2)(b) victim status is being claimed improperly if the person knowingly and dishonestly makes a false statement without good reason, and intends by making the false statement to make a gain for themselves.

(10) A good reason for making a false statement includes, but is not limited to, circumstance where—

(a) the false statement is attributable to the person being or having been a victim of modern slavery, or

(b) any means of trafficking were used to compel the person into making a false statement.

(11) This section does not apply where the person is under 18 years at the time of the referral.

(12) In section 49 of the Modern Slavery Act 2015 (guidance about identifying and supporting victims), after subsection (1)(c) insert—

"(d) under what circumstances a person may be considered to pose an immediate, genuine, present and serious threat to public order, for the purposes of the application of Article 13 of the Trafficking Convention."

(13) Nothing in this section affects the application of section 60(2).""

Lord Coaker (Lab): I beg to move Motion L1 in my name.

7.32 pm

Division on Amendment L1

Contents 196; Not-Contents 222.

Amendment L1 disagreed.

Division No. 7

CONTENTS

Addington, L.
Adebowale, L.
Alderdice, L.
Allan of Hallam, L.
Alton of Liverpool, L.
Amos, B.
Anderson of Swansea, L.
Armstrong of Hill Top, B.
Bach, L.
Bakewell of Hardington Mandeville, B.
Barker, B.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley, L.
Blackstone, B.
Blake of Leeds, B.
Blunkett, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Boycott, B.
Bradley, L.
Brinton, B.
Brooke of Alverthorpe, L.
Brown of Eaton-under-Heywood, L.
Browne of Belmont, L.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bull, B.
Burnett, L.
Burt of Solihull, B.
Campbell-Savours, L.
Chakrabarti, B.
Chandos, V.
Chapman of Darlington, B.
Clark of Windermere, L.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Corston, B.
Crawley, B.
Davidson of Glen Clova, L.
Davies of Brixton, L.
Dholakia, L.
Donaghy, B.
Doocey, B.
Drake, B.
D'Souza, B.
Dubs, L.
Elder, L.
Featherstone, B.
Ford, B.
Foster of Bath, L.
Fox, L.
Gale, B.
German, L.
Glasgow, E.
Goddard of Stockport, L.
Golding, B.
Grantchester, L.
Green of Hurstpierpoint, L.
Grender, B.
Grocott, L.
Guildford, Bp.
Hacking, L.
Hamwee, B.
Hannay of Chiswick, L.
Hanworth, V.
Harris of Haringey, L.
Harris of Richmond, B.
Haworth, L.
Hayman of Ullock, B.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Janke, B.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Kennedy of Cradley, B.
Kennedy of Southwark, L.
Kerr of Kinlochard, L.
Kerslake, L.
Khan of Burnley, L.
Knight of Weymouth, L.
Kramer, B.
Lawrence of Clarendon, B.
Layard, L.
Lee of Trafford, L.
Lennie, L.
Liddell of Coatdyke, B.
Liddle, L.
Lister of Burtersett, B.
Londesborough, L.
Ludford, B.
Mackenzie of Framwellgate, L.
Mallalieu, B.
Manchester, Bp.
Mandelson, L.
Mann, L.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
Maxton, L.
McAvoy, L.
McConnell of Glenscorrodale, L.
McCrea of Magherafelt and Cookstown, L.
McDonald of Salford, L.
McIntosh of Hudnall, B.
McNally, L.
Meacher, B.
Merron, B.
Miller of Chilthorne Domer, B.
Monks, L.
Morris of Yardley, B.
Morrow, L.
Murphy of Torfaen, L.
Neuberger, B.
Newby, L.
Northover, B.
Nye, B.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Pannick, L.
Parminter, B.
Pendry, L.
Pinnock, B.
Ponsonby of Shulbrede, L.
Primarolo, B.
Purvis of Tweed, L.
Ramsay of Cartvale, B.
Ramsbotham, L.
Razzall, L.
Redesdale, L.
Reid of Cardowan, L.
Rennard, L.
Ritchie of Downpatrick, B.
Roberts of Llandudno, L.
Robertson of Port Ellen, L.
Rooker, L.
Rosser, L.
Royall of Blaisdon, B.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Sikka, L.
Smith of Newnham, B.
Snape, L.
Stansgate, V.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Tunnicliffe, L.
Turnberg, L.
Tyler of Enfield, B.
Uddin, B.
Verjee, L.
Wallace of Saltaire, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watkins of Tavistock, B.
Watson of Invergowrie, L.
Wheeler, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.

Willis of Knaresborough, L.
Wood of Anfield, L.
Woodley, L.
Wrigglesworth, L.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Aberdare, L.
Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altmann, B.
Altrincham, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Astor, V.
Attlee, E.
Austin of Dudley, L.
Balfe, L.
Barran, B.
Bellingham, L.
Benyon, L.
Berridge, B.
Bethell, L.
Black of Brentwood, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Bridgeman, V.
Bridges of Headley, L.
Brougham and Vaux, L.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Camrose, V.
Carlile of Berriew, L.
Carrington of Fulham, L.
Cathcart, E.
Cavendish of Little Venice, B.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Colgrain, L.
Colwyn, L.
Cormack, L.
Courtown, E.
Craig of Radley, L.
Craigavon, V.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Deech, B.
Deighton, L.
Dixon-Smith, L.
Dobbs, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Eccles of Moulton, B.
Eccles, V.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fall, B.
Farmer, L.
Faulks, L.
Fellowes of West Stafford, L.
Finn, B.
Fleet, B.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Framlingham, L.
Fraser of Craigmaddie, B.
Frost, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Glendonbrook, L.
Godson, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goschen, V.
Green of Deddington, L.
Greenhalgh, L.
Greenway, L.
Griffiths of Fforestfach, L.
Grimstone of Boscobel, L.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harding of Winscombe, B.
Harlech, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Helic, B.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Hogan-Howe, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
Jenkin of Kennington, B.
Jopling, L.
Kamall, L.
Keen of Elie, L.
Kilclooney, L.
King of Bridgwater, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Lansley, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Lucas, L.
Mackay of Clashfern, L.
Mancroft, L.
Manzoor, B.
Marland, L.
Marlesford, L.
Maude of Horsham, L.
McColl of Dulwich, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Mone, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Moylan, L.
Moynihan, L.
Naseby, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Popat, L.
Porter of Spalding, L.
Price, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Ribeiro, L.
Risby, L.
Robathan, L.
Rock, B.
Rogan, L.
Sanderson of Welton, B.
Sandhurst, L.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Shephard of Northwold, B.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Spencer of Alresford, L.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathcarron, L.
Strathclyde, L.
Sugg, B.
Taylor of Holbeach, L.
Taylor of Warwick, L.
Trefgarne, L.
Trenchard, V.
True, L.
Tugendhat, L.
Udny-Lister, L.
Vaizey of Didcot, L.
Vaux of Harrowden, L.
Vere of Norbiton, B.
Verma, B.
Wakeham, L.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Willetts, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

7.45 pm

Motion L agreed.

Motion M

Moved by ***Baroness Williams of Trafford***

That this House do not insist on its Amendment 26B, to which the Commons have disagreed for their Reason 26C.

26C: Because it would involve a charge on public funds, and the Commons do not offer any further reason, trusting that this Reason may be deemed sufficient.

Baroness Williams of Trafford (Con): My Lords, I have already spoken to Motion M. I beg to move.

Motion M agreed.

Building Safety Bill

Commons Amendments

7.46 pm

Motion A

Moved by ***Lord Greenhalgh***

That this House do not insist on its Amendment 6 and do agree with the Commons in their Amendment 6A in lieu.

6A: Page 11, line 7, at end insert the following new Clause—

"Report on certain safety-related matters

(1) Before the end of the period of three years beginning when this section comes into force, the regulator must—

(a) carry out a cost-benefit analysis of making regular inspections of, and testing and reporting on, the condition of electrical installations in relevant buildings;

(b) consider what further provision under the Building Act 1984, or in guidance under that Act, may be made about—

(i) stairs and ramps in relevant buildings,

(ii) emergency egress of disabled persons from relevant buildings, and

(iii) automatic water fire suppression systems in relevant buildings, with a view to improving the safety of persons in or about relevant buildings, and carry out a cost-benefit analysis of the making of that provision.

(2) Before the end of that period, the regulator must—

(a) prepare one or more reports about the analysis mentioned in subsection (1) (which may also contain recommendations), and

(b) give them to the Secretary of State.

(3) The Secretary of State must publish any report received under subsection (2).

(4) In this section "cost-benefit analysis" means—

(a) an analysis of the costs together with an analysis of the benefits that will arise if the things mentioned in subsection (1)(a) are done or the provision mentioned in subsection (1)(b) is made, and

(b) an estimate of those costs and of those benefits (subject to subsection (5)).

(5) If, in the opinion of the regulator—

(a) the costs or benefits cannot reasonably be estimated, or

(b) it is not reasonably practicable to produce an estimate, the cost-benefit analysis need not estimate them, but must include a statement of the regulator's opinion and an explanation of it.

(6) In this section—

"electrical installation" means fixed electrical cables or fixed electrical equipment located on the consumer's side of the electricity supply meter;

"relevant building" means a residential building or any other kind of building that the regulator considers appropriate."

The Minister of State, Home Office and Department for Levelling Up, Housing & Communities (Lord Greenhalgh) (Con): My Lords, with the leave of the House, I will also speak to Motions B to H.

Here we are again: debating this landmark Bill which will bring forward the biggest changes to building safety legislation in our history. I will turn quickly to the outstanding non-government amendments. Noble Lords, led by the dynamic duo, my noble friends Lord Young of Cookham and Lord Blencathra, extended the definition of "relevant building" to buildings of all heights containing two or more dwellings. As the Government have said on many occasions, we must restore proportionality to the system. That is why we cannot agree to extend leaseholder protections to include buildings under 11 metres. As I have said repeatedly, there is no systemic risk of fire for buildings below 11 metres. Such buildings are extremely unlikely to need costly remediation to make them safe. Despite research and lobbying from a number of areas, the department has been made aware of only a handful of low-rise buildings where freeholders have been commissioning such work, and even fewer where that work was actually based on a proper assessment in line with the PAS 9980 principles.

My right honourable friend the Minister for Housing was clear that leaseholders in buildings below 11 metres should write to my department should they find that their freeholder or landlord is commissioning costly remediation works. I have already intervened directly with building owners and landlords to challenge freeholders, such as in Mill Court, and will continue to do so. Your Lordships can be assured that I will bring my full weight to bear where landlords are looking to carry out works that are not needed or justified. However, given the very small number of buildings involved, it is not appropriate to take forward a blanket legislative intervention and bring hundreds of thousands more buildings into scope. I must point out to noble Lords that doing this could backfire, sending mixed signals and encouraging the market to take an overly risk-averse approach to this class of buildings.

Turning to leaseholder-owned—or collectively enfranchised and commonhold—buildings, the Government's original proposals included an exemption from the leaseholder protection provisions for leaseholder-owned buildings: those in which the leaseholders have collectively enfranchised, and those which are on commonhold land. Noble Lords agreed an amendment in the names of my noble friends Lord Young and Lord Blencathra—the dynamic duo again—and the noble Earl, Lord Lytton, to remove that exemption.

Those noble Lords will know that I have a great deal of sympathy with their position. I know that the amendment is well-intentioned and driven by a desire to protect these leaseholders, and the Government share those aims. However, as I said on Report, these amendments will not have the intended effect of protecting leaseholders living in those buildings. Those leaseholders who have enfranchised would still have to pay, but in their capacity as owners of the freehold rather than as leaseholders. Worse, where some leaseholders have enfranchised and others have not, the enfranchised leaseholders would have to pay for remediation of the whole building in their capacity as owners of the freehold, including the share of remediation costs that would otherwise have been recoverable from those leaseholders who have not enfranchised, once they have paid up to the cap. This would create the perverse situation where the leaseholder protections result in an increase in liability for those leaseholders who have chosen to collectively enfranchise. That is why the other place agreed to reinstate the exemption for leaseholder-owned buildings. My right honourable friend the Minister for Housing announced last Wednesday that the Government would consult on how best leaseholders in collectively enfranchised and commonhold buildings can be protected from the costs associated with historical building safety defects to the extent as all leaseholders.

Turning finally to the qualifying leaseholder contribution caps, the Government proposed that leaseholders' contributions should be capped at £10,000, or £15,000 in Greater London. We believe that this approach protects leaseholders, while ensuring that work to remediate buildings can get under way. Noble Lords agreed with the amendment of the noble Baroness, Lady Hayman, to reduce that cap on contributions to zero.

I will not repeat all of the Government's arguments here, but I want to remind Peers of just how far the Government have come. Leaseholders are fully protected

[Lord Greenhalgh]
from costs associated with the removal of unsafe cladding. On non-cladding defects, where a developer has signed up to our developer pledge—that is more than 35 developers—they will fix non-cladding defects, as well as cladding defects, in their own buildings, and these leaseholders will pay nothing. If a building owner is, or is linked to, the developer, that building owner will be liable for the costs associated with non-cladding defects, and their leaseholders will pay nothing. If the building owner or landlord is not linked to the developer but has the wealth to meet the non-cladding costs in full, their leaseholders will pay nothing. If a leasehold property is valued at less than £175,000, or £325,000 in London, the leaseholder will pay nothing, and, if the leaseholder has already contributed up to the cap, they will pay nothing. Based on this approach, the Government's assessment is that the vast majority of leaseholders will pay less than the caps, and many will pay nothing at all.

In relation to safety checks, noble Lords agreed to an amendment that requires the new building safety regulator to look at a number of important safety matters. We have consulted with the HSE and are happy to confirm that we fully accept the principle of this amendment, and the building safety regulator will be happy to take forward these safety reviews. I thank the noble Lord, Lord Stunell, for his passionate advocacy in this area. The Government therefore proposed an alternate version of this proposal, which was agreed in the other place. I hope noble Lords will agree that this provides clearer drafting and a more practical and pragmatic approach. Importantly, we have increased the time available to the regulator from two years to three years. This reflects the time needed for the regulator to develop the capacity to carry out these reviews alongside all its other functions. We have also made a number of technical improvements to the Bill, and I am happy to answer questions while summing up.

Lord Stunell (LD): My Lords, as the person who has just had his name mentioned, I will start my very brief contribution by saying that there will be noble Lords who have a lot of criticism of what has come back from the Commons, but I am not one of them in respect of Amendment 6A. I am very pleased to see that the Government have responded well to the views that were very strongly expressed by Members of your Lordships' House on all sides on the importance of tackling these issues. The Minister has come back with an amendment that is longer than the one that we tabled, and he has come back with a period of time that is longer than the one that we suggested. I am delighted with the first, which shows that he has better drafters than I had at my disposal, but I am not so happy about the three years.

However, it is going to be a major step forward if we get these issues of fire suppression, stairways and ramps, electrical equipment and safety, and provision for people with disabilities properly examined and costed, with the regulations coming in front of the House and in front of the Secretary of State. Even if it takes three years, it will be a significant step forward, and I am very pleased indeed to see that it is included in this Bill.

Lord Young of Cookham (Con): My Lords, I commend my noble friend again for the way he has managed this Bill through your Lordships' House; like him, I very much hope the end is in sight. It has been particularly challenging, as he has had to retrofit into the Bill the remediation clauses, while negotiating at the same time with the industry and the Treasury.

On those negotiations, since we last debated the Bill, Ministers have persuaded the last remaining housebuilder—Galliard—to join the pledge to remediate defects in their own buildings, and I very much welcome that. I have one issue to raise on the builders' pledge, which is restricted to "life-critical fire-safety" work. Can my noble friend confirm that this definition, which appears to be narrower than the one in the Bill, will cover all the necessary work to make a building safe? It would clearly be unsatisfactory if a builder were to argue that some particular aspect of remediation was not life critical, and he therefore did not do it, with the result that the building did not qualify for the relevant certificate and the leaseholder could not sell the building.

On Motion D, I understand why the Government resisted the Lords' amendment which sought to give enfranchised leaseholders the same rights as unenfranchised leaseholders. My noble friend has just explained the perverse incentive that that would have resulted in. However, inserting that section back into the Bill leaves the enfranchised leaseholders in the firing line for the time being. I will not repeat all of my noble friend's "read my lips" speech, which we have heard on several occasions, but the last sentence was:

> "They are effectively leaseholders that have enfranchised as opposed to freeholders. I hope that helps."—[*Official Report*, 28/2/22; col. GC 262.]

The Minister has responded to the amendment that I tabled with my noble friend by announcing a consultation, and I very much welcome that. Perhaps he could say something about the timetable for that consultation—when it will begin, when it will end, and when the conclusions will be announced—because time is fairly critical for some of these leaseholders. I hope he can repeat the commitment that the objective is to put enfranchised leaseholders in the same position as unenfranchised leaseholders—namely, with caps on their contributions, which they do not have in the Bill at the moment. Unless that firm protection is offered, it will undermine all the efforts made by successive Governments and by my noble friend to encourage leaseholders to enfranchise.

I would like to say a word about orphaned buildings. Will the Minister say how he envisages these buildings being remediated if there is no guilty party or freeholder to pursue? We cannot leave those tenants and leaseholders in unsafe buildings that they are unable to sell, and it would be reassuring for them if they knew the Government had a plan to deal with that.

Finally, on Motion H, there are two issues. I am sure that the Minister is right when he says that there are few buildings under 11 metres with serious problems, but the fire at Richmond House burned the building to the ground in less than 11 minutes in September 2019, and it was under 11 metres. Therefore, I very much hope that the case-by-case analysis that the Minister referred to will quickly reveal which buildings

are at risk. Following that, can he confirm that they will be remediated without the leaseholders bearing all the costs, which is currently the position under the Bill?

When we debated this on Report, my noble friend Lord Blencathra and I tabled an amendment which effectively halved the cap on leaseholder contributions. However, we were persuaded by the eloquent arguments adduced by the noble and learned Lord, Lord Hope, and the noble Lord, Lord Marks, that zero was possible under ECHR and we then supported that amendment, which was carried by the House. The Government have made it quite clear that zero is unacceptable, so I see no point in pursuing that at this stage of the Parliament. However, I remain of the view that our original amendment is actually the right way forward, so, while not supporting the amendment of the noble Baroness, Lady Hayman, which is quite close to zero, I will not vote against it. I hope that if it is carried, the Government will retable my and my noble friend Lord Blencathra's amendment in the other place, and bring this matter to a satisfactory conclusion.

8 pm

Baroness Hayman of Ullock (Lab): My Lords, I thank the Minister for the constructive amendments that the Government have tabled at this stage and for listening to the noble Lords, Lord Young and Lord Blencathra, who have been very helpful during the passage of the Bill. However, there are still concerns outstanding, as has just been said, so I will speak now to my Motion H1 as an amendment to Motion H.

We on these Benches have consistently argued that all leaseholders should be protected from the cost of remediating historical cladding and non-cladding defects and the associated secondary costs, irrespective of circumstance. Although we fully acknowledge that the waterfall system set out in Schedule 8 provides leaseholders with a far greater deal of protection than was proposed when the Bill first came to us, when it was originally drafted, it does not protect all of them fully. Just as importantly, the Bill does not provide redress for the countless blameless leaseholders across the country who have already been hit with huge bills and have paid out significant sums as a result.

That is why I have tabled Motion H1 to reduce leaseholder contributions to a maximum of £250. I am aware that the Government have said that leaseholder contributions are fair in principle because they will apply in only a very limited number of cases. The Minister has said that leaseholders will pay up to the cap or a proportion of the cap in only a minority of circumstances. However, if it is only a very small number of cases that we are talking about, why are the Government so reluctant to provide proper and full support? For many people, £15,000, or £10,000 as the cap currently stands, is simply an impossible sum to find.

Leaseholders have refused to give up. They recognise more than anyone that the situation they face is simply not fair, and your Lordships' House recognised that by supporting the amendment that I tabled on Report. I ask for noble Lords' continued support in agreeing Motion H1 and, in so doing, to acknowledge the determination and persistence of the leaseholders and cladding groups that have been pressing for redress in this matter.

In sticking rigidly to the position that a minority of leaseholders will have to pay sums that, although capped, are still significant, in order to resolve a scandal that they played no part in causing, we believe that the Government are not acting equitably and will not ensure that the most vulnerable leaseholders will be protected. Our Motion H1 would provide such protection. If the Minister is unable to accept it, we will seek to divide the House, with a view to ensuring that all leaseholders are fully protected.

Lord Blencathra (Con): My Lords, I apologise to the House for missing the first two minutes of my noble friend's magnum opus; the last business went slightly faster than I had anticipated. I declare a personal interest as a leaseholder in a block of flats that may contain some non-cladding works that may require remedial treatment.

I have to praise my noble friend the Minister yet again for the tremendous changes that have been made to the Bill since it came from the other place. I also congratulate my right honourable friend Michael Gove on forcing all the big building companies to sign up, including bringing the Galliard Homes horse kicking and neighing to the water, although he will need to ensure that it and the other companies actually drink the water—they will throw millions at lawyers to weasel out of what they have signed up to.

I am told that the owner of Galliard Homes, Stephen Conway, has accused Michael Gove of acting like Al Capone and the mafia. My respect for young Gove increases by the minute. Conway had an estimated worth of £270 million in 2015; imagine what he is worth now. It seems to me that the owners of the big building companies have made their billions by being a bit more ruthless mafiosi than Michael Gove ever was. However, that is for another day.

Despite the excellent progress on the Bill, there are still some gaps. I regret that we do not have anything specific in the Bill protecting enfranchised leaseholders. All Governments have encouraged leaseholders to buy out the freehold. Those who have done so are still exactly the same as other leaseholders who have not, and they should get the same protection. I welcome the consultation but I hope it is speedy, and I hope that, if legislation is necessary or this can be done by regulation, that is brought in as quickly as possible.

I acknowledge that the Government have increased the number of properties qualified under buy to let, but in my opinion they have not gone far enough. As a small buy-to-let owner said to me, why does the Bill support with cost-capping a billionaire oligarch non-dom with two buy-to-let leasehold flats in Mayfair, valued at millions, yet leave completely exposed a pensioner buy-to-let leaseholder with a small portfolio of just four flats? These people are not big landlords. Although nothing can be done in this Bill now, I hope something can be done in future.

Nor am I happy that we are planning to reject buildings under 11 metres. They may not be as big a risk but they are unsellable. When an estate agent or lawyer tells prospective buyers that the flat they have looked at has some dangerous cladding—but not to

[Lord Blencathra]
worry because you will probably get out in time if it burns down—I do not think that they will find many buyers. These flats are simply unsellable.

Finally, I disagree with the removal of "zero", and like the Opposition's amendment of £250. I do not accept that the government caps set a proportionate balance, as was said in the other place by my right honourable friend Stuart Andrew MP, who was also an excellent Deputy Chief Whip in his time. As Michael Gove said, no leaseholders should pay a penny for any remediation works. We heard impeccable legal advice in this House from the noble Lord, Lord Marks, and a former Supreme Court Justice, the noble and learned Lord, Lord Hope of Craighead, saying that making leaseholders pay in order to avoid an ECHR challenge was misguided and wrong. As the noble and learned Lord, Lord Hope, said, the challenge will happen in any case, no matter what level the Government set the cap at, and those building companies will try it on.

If Motion H1 succeeds today, I do not want the Government in the other place to take on the role of the wonderful Ukrainian Snake Island defender, Roman Grybov, who offered sexual advice to the Russian warship. We are not the "Moscow", and I hope that the Government will bring forward a compromise amendment, perhaps higher than £250 but much lower than the government caps.

With those quibbles, I wish to congratulate my noble friend yet again on the massive progress he has made with this measure. "One more heave", as Jeremy Thorpe said in 1974—but hopefully with a bit more success.

Baroness Neville-Rolfe (Con): My Lords, I have been living with this matter since we first debated the Fire Safety Bill in 2020. I declare an interest as chair of the Built Environment Committee. I believe that the building industry has an important part to play and has tried to rise to the table in the current circumstances. The Government, and my noble friend the Minister in particular, are to be congratulated on all they have done to find a way through on cladding, but the measures legislated for are inevitably costly and should not, in my view, be legislated for in respect of buildings under 11 metres, as proposed in Amendment D1.

I have some news for my noble friends. Since Michael Gove's Statement on 10 January about proportionality and common sense, the logjam in buildings under 11 metres has eased. I have experience of this, relating to a family leaseholder in a nearby village, where there is now a less absolutist and more flexible approach to fire safety in a block of homes; this has become apparent in recent weeks since the changes were made. I believe, therefore, that there is a limit as to what we should provide on a contingency basis. I do not believe that taking the proposed powers, as now suggested, is justified. I think that the situation is improving in relation to buildings under 11 metres, and we should welcome that and see how that approach can be progressed.

I end by thanking my noble friend the Minister for the progress that has been made. Obviously, there are horrific problems, right across the board, in relation to taller buildings and cladding. Howeever, I urge people to be a little careful in bringing into the legislative framework, without looking at all the details, a very much larger number of homes.

Baroness Fox of Buckley (Non-Afl): My Lords, like everybody else, I think it has been refreshing to be in a situation whereby the debates in this place have been listened to and changes made. On a number of other Bills, one has not had that feeling—but in relation to this we definitely have.

I want to emphasise the key issue of buy-to-let leaseholders. They can be presented as big landlords, but I remind the Minister that many people were advised that investing in property would be an important way of being sensible and would provide them with an income or a pension and so on and so forth. So people did this in good faith. They are not landlords. They are leaseholders; they just have more leasehold flats. They are not big business. They are being treated differently if they have a small portfolio of four properties. This needs to be looked at, because it feels wrong that such people should be punished.

Secondly, I am very mixed about the 11-metre question. I agree that the danger of an unintended consequence here would be to say that, if you paid the remediation for under 11 metres, everybody would rush out and start remediating under 11 metres when it is not necessary. I am delighted to hear the Minister's pledge, which I hope we will keep him to, that anyone having a problem with a building under 11 metres can get in touch if they are being charged. However, there is the problem of sales, and people feeling that they have unsellable flats; the noble Lord, Lord Blencathra, mentioned this. That is the approach I want to feel that we leave this Bill with: that leaseholders can come to the Minister with these kinds of problems that are unintended consequences.

I was one of the people who was very enthusiastic about having some kind of ongoing review—although we did not go down that route. The unintended consequence of what has in the end been a bit of a risk-averse panic over the past few years—which I understand—is that everything is seen as a fire risk. This has led not to keeping people safe but to making people very poor and not solving the safety problem. Let us hope, therefore, that things such as consultations and these kinds of questions will be taken seriously, because one thing I have heard consistently from leaseholders is that, although there is a lot of talk about listening to leaseholders and tenants—we heard that post Grenfell; we all know that Grenfell residents had tried to raise issues but were ignored—they still do not quite feel that they have a way of having a voice. That is an important thing for the Minister to carry on with.

I support Motion H1, because I want to push the Government one last time on this question. Ultimately—this is a very important point—the number is small but, on principle, we just want to be in a situation where the leaseholders are not paying. That is really what is being argued here: leaseholders, who were always the innocent people in this, should not pay.

Finally, because I think this can get lost, I have tried to represent the voices of at least some leaseholders—particularly those from Tower Hamlets, where I know

the Lib Dems in particular have been brilliant at raising all these issues. It is an area where there are more problems around the leaseholder question than anywhere else, but greater remediation; I have been really inspired by that.

I also remind noble Lords that I want more houses to be built. This is a huge, important part of levelling up or whatever it is. We just need more houses built. I have always been concerned that we do not do anything that ends up destroying the construction industry or having the outcome that no houses are built—risk aversion in housebuilding. Part of what has happened is that people now understand the downside of being a leaseholder. Even if you are building those houses, you now think, "Why would I buy a leasehold flat?" I can assure you that, if I ever buy a flat again, after I have sold my leasehold flat—I am going to get rid of it as quickly as possible—I will not then want to buy a leasehold flat. I just think it is too scary.

8.15 pm

So I hope that, in the next parliamentary Session, we will have a chance to discuss leasehold in more detail and to reform it, and have more initiatives that mean that more houses are built, but in collaboration with people such as leaseholders, who can advise on some of the pitfalls of building too quickly and put forward safety concerns.

The Earl of Lytton (CB): My Lords, it is always a pleasure to follow the noble Baronesses, Lady Neville-Rolfe and Lady Fox. I pay tribute to the efforts of the Secretary of State and the Minister to achieve significant changes in the face of a very difficult situation. That should never be understated. If it has been too slow for some seriously challenged individual households, the Bill is undoubtedly immeasurably better than when we started. Obviously it was a disappointment to me that several key elements were rejected in the House of Commons, and I remain concerned by the sub-11 metre exclusion, buy to lets, enfranchised blocks and orphan buildings, about which so much has been spoken. Although the point that the perpetrator should pay was not before the House of Commons, the problem remains a real one: the problem of funding does not go away.

On the 11-metre cut-off, it has been consistently said that with the measured and proportionate response that the Government say they have adopted, there is no systemic risk for low-rise properties. I do not know whether this means that other mitigations, such as alarms, smoke detectors or sprinklers, may be appropriate, but the claim seems to lack a basis in data. The point was well made in the seventh report of the Levelling Up, Housing and Communities Committee of the other place and followed by an Answer to a Question for Written Answer of mine: without data, assertions regarding risk, mitigation options and cost-benefit lack foundation and create doubt.

If the Government are saying that adding sprinklers, smoke detectors and alarms to such buildings is an acceptable means of overcoming an initial failure in construction, I ask the Minister to be aware that there is a reputational and moral hazard here. If those are seen as workarounds to deal with essential, original compartmentation in buildings, I would really worry about how that will be taken forward and potentially abused in the future. I just do not want to go there; this one has been bad enough. So we rely heavily on government assertions that they will have the powers to deal with these issues.

I acknowledge that the Secretary of State has made considerable progress on the developer pledge but, as the British Property Federation observes, it does not cover sub-11 metre buildings and, in several aspects, as the noble Lord, Lord Young of Cookham, said, it may be inconsistent with the Bill. But if, as I am led to understand, this will be enforced by denying developers planning consent, apart from the questionable basic legality of such an intervention in planning and development laws, it should be noted, as I have said to the Minister before, that planning consent runs with the land, not with the applicant, and even less with whoever happens to be the current owner. That is a matter of law, not of debate.

I was also led to believe that one of the reasons why the perpetrator-pays approach would not stand the test is that it means backdating to a previous era, beyond what would normally be covered by the provisions of the Limitation Act. If I am right and a fundamental failure to meet the mandatory provisions of building regulations from 1965 and at all times since is, in fact, an offence, time cannot run against the commission of an offence in favour of the perpetrator. I am a bit fearful that aspects of the Bill could be regarded as arbitrary and discriminatory as between classes of owner and the nature of liabilities, touched on by other noble Lords. In a sense, that might lead to its own legal trajectory in another area.

I hope the Government have a constant process of rolling review of what is going on here, because if we do not deal with ongoing market turbulence, lack of confidence, economic attrition and the victims in all this simply concluding that they have been hung out to dry in some way, that will really be a system failure and we will not have delivered on the promise given by Ministers in the other place and here that leaseholders should be kept free of these costs, for which they were entirely blameless. I am absolutely sure that the noble Baroness, Lady Pinnock, will say just that in a minute.

I finish by paying tribute to noble colleagues with whom I have worked and particularly to the many leaseholders and their groups. They have campaigned for justice and proper defect remediation. My arguments here have been fuelled by their plight, and I intend to keep reminding the Government that this matter, until it is all put to bed, will have to remain in their line of sight.

Baroness Bennett of Manor Castle (GP): My Lords, it is a great pleasure to follow the noble Earl, Lord Lytton, and to hear that he intends to keep a close eye on this, because that will clearly be needed well into the future.

I rise to offer Green support for Motions D1 and H1 and to make a single point about how I see these fitting together. The noble Baroness, Lady Hayman, and others said that the leaseholders are the absolutely innocent parties here—but, more than that, it is important to say that they are the injured parties. They have been

[Baroness Bennett of Manor Castle]
injured over years and years of stress and worry, both financial and about their physical safety, given where they are forced to live. Think about going to bed every night fearful about what is going to happen. They are the victims of the policies of successive Governments who have allowed the building industry to act as a cash cow rather than a provider of secure, affordable, decent homes.

There are still a lot of steps down the road, but if we pass Motions D1 and H1 we give those leaseholders and owners the clarity and certainty that they will be looked after, whether or not their building is under 11 metres, and that they will not be hit with a bill that they still cannot afford to pay, as the noble Baroness, Lady Hayman, said.

I was tempted to say that your Lordships' House should put one last heave behind the Building Safety Bill, but then I thought that was a slightly unfortunate metaphor in the context we are talking about. I will pick up what the noble Baroness, Lady Hayman, said: the campaigners have done so much work and have fought so long and hard on this. Let us buttress that and put in the final supports they need to get the Bill we should have.

Baroness Pinnock (LD): My Lords, it is good to recognise that the Bill has indeed been transformed during its passage through Parliament, but the major transformation point was initiated by the Secretary of State, Michael Gove, when he said that

"leaseholders are shouldering a desperately unfair burden. They are blameless, and it is morally wrong that they should be the ones asked to pay the price."—[*Official Report*, Commons, 10/1/22; col. 283.]

I agree, as many others across the House will. Unfortunately, however, the Bill currently does expect some leaseholders to pay. My colleagues and I are asking the Government today to think again.

The Government argue that Article 1 of Protocol 1 of the European Convention on Human Rights ensures a balance of rights between property owners and leaseholders, which in their view means that leaseholders have to pay towards the costs. That is the basis of the Government's argument for the cap of £10,000 and £15,000. However, that view was comprehensively challenged by my noble friend Lord Marks, whose argument was endorsed fully by the noble and learned Lord, Lord Hope of Craighead, on Report. Senior legal minds in this House agree that it is possible within the ECHR for innocent leaseholders to pay nothing.

This legitimately opens up the opportunity, which must be grasped, for the Government to accept that leaseholders must not pay a penny whatever the height of the building, hence Motion D1 in my name to include buildings under 11 metres so that leaseholders in those buildings do not pay. As the noble Lord, Lord Young of Cookham, rightly reminded us, a building under 11 metres has been destroyed by fire in under 11 minutes. We really need to think again about those buildings under 11 metres. However, I thank the Minister for the assurances he has given to those leaseholders in buildings under 11 metres at the Dispatch Box today and for urging them to get directly in contact with him if they get any invoices for remediation works. I am sure I will be holding him to account on that one, as will the leaseholders, and I am sure they will get in touch with us across the House to make sure that they do not pay. They must not.

What I do know is that the Government need to think again about the leaseholder cap. My Motion H2 reduces the cap back to zero, where it should be. I remind the House of the commitment by Secretary of State Michael Gove that leaseholders should not be paying the cost incurred as the result of the sometimes deliberate actions of others. The Minister himself has acknowledged tonight that some leaseholders will still pay, when we agreed in January at the very start of this great transformation that they are blameless and it is morally wrong that they should have to be the ones to pay the price. We have looked after many leaseholders but not all.

Obduracy in the face of moral right is a failure of political leadership. We on the Liberal Democrat Benches will support the noble Baroness, Lady Hayman of Ullock, in her Motion H1 to achieve a degree of improvement to the lot of leaseholders, who have shouldered the burden of anxiety and fear for too long and whose campaigning efforts have achieved so much.

Lord Greenhalgh (Con): My Lords, I must thank noble Lords for their contributions to this debate. I am not sure; maybe we are close to that point where we can say, "One more heave". I want quickly to turn to Amendment 94 and Motion D1, the amendment of the noble Baroness, Lady Pinnock, to the Government's Motion D, where she disagrees with the Government. I explained in my opening speech the reasoning behind our Amendment 94A and I do not propose to repeat my arguments. I simply remind noble Lords that the approach the Government have proposed is sensible. Setting the threshold at 11 metres will help restore proportionality to the system, as also argued by my noble friend Lady Neville-Rolfe, and the Government have committed to consult on how best leaseholders in collectively enfranchised and commonhold buildings can be protected. On timescales, in response to my noble friend, I think we said "soon". I shall strengthen that and say "as soon as possible". That is a big concession.

I turn to Motion H1 in the name of the noble Baroness, Lady Hayman, as an amendment to the Government's Motion H. It would replace a zero cap in a previous amendment with £250 for leaseholder contributions, while Motion H2 in the name of the noble Baroness, Lady Pinnock, disagrees with the Government's caps.

Motion H1 would make changes to the leaseholder contribution caps in Schedule 8 and reduce them to £250, up from the zero cap in her previous amendment. Motion H2 disagrees with the Government's Motion and would return the caps to zero. As I said in my opening speech, the Government have been clear that setting the leaseholder contribution caps to zero or to a nominal level, such as £250 or £25 a year for 10 years, would not be a proportionate approach. I reiterate the Government's commitment to protecting leaseholders. Indeed, it is hard to overstate how far-reaching our proposed protections are. They represent a hugely significant and robust improvement on the existing position for leaseholders.

8.30 pm

I shall briefly respond to two important questions raised by my noble friend Lord Young of Cookham. The developer pledge will require developers to tackle life-critical fire safety issues in buildings they have had a role in developing. If freeholders are acting proportionately, we do not expect that additional work will be required in most cases. If any such additional work is required, the leaseholder protections in the Bill will apply, as I have outlined on many occasions.

On my noble friend's question about so-called orphan buildings, also raised by the noble Earl, Lord Lytton, the Government do not think that this is a problem. A funded plan is in place for the removal of unsafe cladding. Freeholders will not have to bear those costs. For non-cladding defects, freeholders will be able to recover some funds from leaseholders and from other landlords with an interest in the building. The ambitious toolkit of measures in the Bill will allow them to pursue those directly responsible for defects through the courts.

Through these measures, we believe that costs can be spread equitably across the system, meaning that no single party will face costs they cannot afford. Should any freeholder seek to avoid their responsibilities by, for example, declaring themselves insolvent, orphaning their buildings, there are powers in the Bill to extract funds from them and their associates, including through the insolvency process.

I hope that, with those further explanations, noble Lords will be content to support the Government's amendments today—but I expect not.

Motion A agreed.

Motion B

Moved by ***Lord Greenhalgh***

That this House do agree with the Commons in their Amendment 78A.

78A: Clause 114, page 119, leave out lines 14 and 15.

Motion B agreed.

Motion C

Moved by ***Lord Greenhalgh***

That this House do agree with the Commons in their Amendments 93A and 93B.

93A: Line 13, leave out "under qualifying leases"

93B: Line 24, leave out from "court" to end of line 26 and insert "powers in respect of persons associated with the company."

Motion C agreed.

Motion D

Moved by ***Lord Greenhalgh***

That this House do agree with the Commons in their Amendment 94A.

94A: Line 7, at end insert "and—

(a) is at least 11 metres high, or

(b) has at least 5 storeys.

This is subject to subsection (2A).

"Relevant building" does not include a self-contained building or self- contained part of a building—

(a) in relation to which a right under Part 1 of the Landlord and Tenant Act 1987 (tenants' right of first refusal) or Part 3 of that Act (compulsory acquisition by tenants of landlord's interest) has been exercised,

(b) in relation to which the right to collective enfranchisement (within the meaning of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993) has been exercised,

(c) if the freehold estate in the building or part of the building is leaseholder owned (within the meaning of regulations made by the Secretary of State), or

(d) which is on commonhold land."

Motion D1 (as an amendment to Motion D) not moved.

Motion D agreed.

Motion E

Moved by ***Lord Greenhalgh***

That this House do agree with the Commons in their Amendments 98A, 98B and 98C.

98A: Line 6, leave out "(2)" and insert "(1A)"

98B: Line 7, at end insert—

"(1A) Where a person's interest in a relevant building was held on trust at the qualifying time, any partnership or body corporate which was a beneficiary of the trust at that time is to be regarded, for the purposes of the provisions mentioned in subsection (1) as they apply in relation to the relevant building, as associated with the person."

98C: Line 60, leave out "(2)" and insert "(1A)"

Motion E agreed.

Motion F

Moved by ***Lord Greenhalgh***

That this House do agree with the Commons in their Amendments 107A, 108A, 109A and 109B.

107A: Line 17, leave out "an associate of" and insert "associated with"

108A: Line 39, at end insert—

"(7) For the purposes of section (Building liability orders) as it applies in relation to a building, where a person's interest in the building is held on trust, a body corporate which is a beneficiary of the trust is to be regarded as associated with the person."

109A: Line 7, leave out "associates of" and insert "associated with"

109B: Line 17, leave out from ""associate"" to end of line 18 and insert ": section (Building liability orders: associates) applies for the purposes of this section as it applies for the purposes of section (Building liability orders);"

Motion F agreed.

Motion G

Moved by ***Lord Greenhalgh***

That this House do agree with the Commons in their Amendment 145A.

145A: Line 1, leave out "4,"

Motion G agreed.

Motion H

Moved by ***Lord Greenhalgh***

That this House do agree with the Commons in their Amendments 184A, 184B, 184D and 184D.

184A: In paragraph 2(4) of that Schedule, in the definition of "relevant landlord" after "lease" insert "at the qualifying time"

184B: In paragraph 2(4) of that Schedule, in the definition of "relevant landlord", at end insert "at that time"

184C: In paragraph 6 of that Schedule, in sub-paragraph (2) leave out "zero" and insert "(subject to sub-paragraphs (2A) to (3))—

(a) if the premises demised by the qualifying lease are in Greater London, £15,000;

(b) otherwise, £10,000.

(2A) Where the value of the qualifying lease at the qualifying time exceeded £1,000,000 but did not exceed £2,000,000, the permitted maximum is £50,000.

(2B) Where the value of the qualifying lease at the qualifying time exceeded £2,000,000, the permitted maximum is £100,000."

184D: In paragraph 6(4) of that Schedule, at end insert "and this paragraph."

Motion H1 (as an amendment to Motion H)

Moved by ***Baroness Hayman of Ullock***

Leave out from "House" to end and insert "do agree with the Commons in their Amendments 184A and 184B, do disagree with the Commons in their Amendments 184C and 184D and do propose Amendment 184E as an amendment to Amendment 184 in lieu—

184E: In paragraph 6 of that Schedule, in sub-paragraph (2) leave out "zero" and insert "£250""

Baroness Hayman of Ullock (Lab): I wish to test the opinion of the House.

8.34 pm

Division on Motion H1

Contents 187; Not-Contents 209.

Motion H1 disagreed.

Division No. 8

CONTENTS

Aberdare, L.
Addington, L.
Adebowale, L.
Alderdice, L.
Allan of Hallam, L.
Alton of Liverpool, L.
Anderson of Ipswich, L.
Anderson of Swansea, L.
Armstrong of Hill Top, B.
Bakewell of Hardington Mandeville, B.
Barker, B.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley, L.
Blackstone, B.
Blake of Leeds, B.
Blunkett, L.
Boateng, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Boycott, B.
Bradley, L.
Brinton, B.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bull, B.
Burnett, L.
Burt of Solihull, B.
Campbell-Savours, L.
Carlile of Berriew, L.
Cashman, L.
Chakrabarti, B.
Chandos, V.
Chapman of Darlington, B.
Clark of Windermere, L.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Corston, B.
Crawley, B.
Davidson of Glen Clova, L.
Davies of Brixton, L.
Davies of Stamford, L.
Deech, B.
Dholakia, L.
Donaghy, B.
Drake, B.
D'Souza, B.
Dubs, L.
Elder, L.
Featherstone, B.
Foster of Bath, L.
Fox of Buckley, B.
Fox, L.
Gale, B.
German, L.
Glasgow, E.
Goddard of Stockport, L.
Golding, B.
Grantchester, L.
Grender, B.
Grey-Thompson, B.
Grocott, L.
Hacking, L.
Hamwee, B.
Hannay of Chiswick, L.
Hanworth, V.
Harris of Haringey, L.
Harris of Richmond, B.
Haworth, L.
Hayman of Ullock, B.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussein-Ece, B.
Janke, B.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Kennedy of Cradley, B.
Kennedy of Southwark, L.
Kerr of Kinlochard, L.
Kerslake, L.
Khan of Burnley, L.
Knight of Weymouth, L.
Kramer, B.
Lawrence of Clarendon, B.
Layard, L.
Lee of Trafford, L.
Lennie, L.
Liddell of Coatdyke, B.
Lister of Burtersett, B.
Ludford, B.
Lytton, E.
Mackenzie of Framwellgate, L.
Mallalieu, B.
Manchester, Bp.
Mandelson, L.
Mann, L.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
Maxton, L.
McAvoy, L.
McConnell of Glenscorrodale, L.
McIntosh of Hudnall, B.
McNally, L.
Meacher, B.
Merron, B.
Miller of Chilthorne Domer, B.
Monks, L.
Morris of Yardley, B.
Murphy of Torfaen, L.
Neuberger, B.
Newby, L.
Northover, B.
Nye, B.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Parminter, B.
Pendry, L.
Pinnock, B.
Ponsonby of Shulbrede, L.
Primarolo, B.
Purvis of Tweed, L.
Ramsay of Cartvale, B.
Razzall, L.
Redesdale, L.
Reid of Cardowan, L.
Rennard, L.
Ritchie of Downpatrick, B.
Roberts of Llandudno, L.
Rooker, L.
Rosser, L.
Royall of Blaisdon, B.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Sikka, L.
Smith of Basildon, B.
Smith of Newnham, B.
Snape, L.
Stansgate, V.
Stephen, L.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Bolton, B.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurlow, L.
Thurso, V.
Tope, L.
Touhig, L.
Triesman, L.
Tunnicliffe, L.
Tyler of Enfield, B.
Verjee, L.
Wallace of Saltaire, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watson of Invergowrie, L.
Wheeler, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Wrigglesworth, L.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altmann, B.
Altrincham, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Attlee, E.
Balfe, L.
Barran, B.
Bellingham, L.
Benyon, L.
Berridge, B.
Bethell, L.
Black of Brentwood, L.
Blackwood of North Oxford, B.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Bridgeman, V.
Bridges of Headley, L.
Browne of Belmont, L.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Camrose, V.
Carrington of Fulham, L.
Cathcart, E.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Colgrain, L.
Cormack, L.
Courtown, E.
Craigavon, V.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Dixon-Smith, L.
Dobbs, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Eccles of Moulton, B.
Eccles, V.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fairhead, B.
Fall, B.
Farmer, L.
Faulks, L.
Fellowes of West Stafford, L.
Fleet, B.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Framlingham, L.
Fraser of Craigmaddie, B.
Frost, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Glendonbrook, L.
Godson, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Greenhalgh, L.
Greenway, L.
Griffiths of Fforestfach, L.
Grimstone of Boscobel, L.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harding of Winscombe, B.
Harlech, L.
Harrington of Watford, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Helic, B.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kamall, L.
Keen of Elie, L.
Kilclooney, L.
King of Bridgwater, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Lansley, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Lucas, L.
Mackay of Clashfern, L.
Mancroft, L.
Manzoor, B.
Marland, L.
Marlesford, L.
Maude of Horsham, L.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Mobarik, B.
Mone, B.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrow, L.
Moylan, L.
Moynihan, L.
Naseby, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Pannick, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Popat, L.
Porter of Spalding, L.
Price, L.
Ramsbotham, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Ribeiro, L.
Risby, L.
Robathan, L.
Rock, B.
Sanderson of Welton, B.
Sandhurst, L.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Shephard of Northwold, B.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Spencer of Alresford, L.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathcarron, L.
Strathclyde, L.
Stroud, B.
Sugg, B.
Taylor of Holbeach, L.
Taylor of Warwick, L.
Trenchard, V.
True, L.
Tugendhat, L.
Udny-Lister, L.
Vaizey of Didcot, L.
Vere of Norbiton, B.
Verma, B.
Wakeham, L.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Williams of Trafford, B.
Wolfson of Aspley Guise, L.
Wolfson of Tredegar, L.
Wyld, B.
Younger of Leckie, V.

8.47 pm

Motion H2 (as an amendment to Motion H)

Tabled by ***Baroness Pinnock***

Leave out from "House" to end and insert "do agree with the Commons in their Amendments 184A and 184B and do disagree with the Commons in their Amendments 184C and 184D"

Baroness Pinnock (LD): My Lords, this is a shattering defeat for those doughty and determined campaigners who have made the case for justice for all leaseholders. I say to them that we on these Benches are on their side. They have right on their side. Unfortunately, the headline from the Government that it was morally wrong for any leaseholder to pay for the wrongs of others in the building safety scandal was a headline only, and a cynical attempt to win over more than half of the campaigners so that the rest get left to pay the bills that will come their way. I am sure that many of them will feel betrayed by the Government acting in that way.

As was pointed out earlier, it was easy to say that no one should pay. If not many are going to pay, why not encompass them all? No one should pay. We on these and the Labour Benches, with the support of Cross-Benchers and others, have tried to force a change—a rethink. Unfortunately, that has been lost tonight, but it will not be the last we hear of this. I will continue to fight, but for now I shall not move the Motion.

Motion H2 not moved.

Motion H agreed.

Health and Care Bill

Commons Amendments

8.51 pm

Motion A

Moved by ***Lord Kamall***

That this House do not insist on its Amendment 29B, to which the Commons have disagreed for their Reason 29C.

29C: Because there is already a clause in the Bill about reporting in relation to workforce and it is not necessary to impose further or different reporting duties on that topic.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Kamall) (Con): My Lords, with the leave of the House, in moving Motion A, I will also speak to Motions B, C and D. The amendments being considered today relate to the NHS workforce, reconfigurations, modern slavery risks in NHS supply chains and the adult social care cap.

I turn first to Amendment 29D. The unamended Clause 35 places a duty on the Secretary of State to report on workforce systems. Our report will increase transparency and enhance accountability by describing the workforce planning and supply system for healthcare workers, including those working in the NHS and public health alongside regulated healthcare professions working in social care and public health in England. The existing clause therefore already delivers, by and large, what Amendment 29D seeks to do.

I can confirm that we will be asking Health Education England and NHS England to assist in the preparation of the report. In addition, while the report will be published at a minimum of every five years, it can be published more frequently than that, if required. I can also confirm that, in the preparation of the initial report, we will also seek the views of key stakeholders. The report is in addition to the rest of our expansive work to improve workforce supply and planning, including the Health Education England strategic framework, which will be published in the coming weeks, and the NHS England long-term workforce strategy.

Moving to reconfigurations, I am very grateful for the constructive debates on these issues across both Houses, and in this place particularly to the noble Lord, Lord Stevens, and my noble friend Lady Cumberlege for their insightful and wise feedback on this power. The first set of changes we have proposed would mean that the NHS had to notify the Secretary of State only about the reconfiguration proposals deemed notifiable, which we will define through regulations. But we intend to align that definition with the existing duty on NHS commissioners to consult local authorities in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Similarly, our amendment removes the requirement for commissioners and providers to inform Ministers of

"circumstances that are likely to result in the need for the reconfiguration of NHS services".—[*Official Report*, Commons, 25/4/22; col. 522.]

Throughout the Bill's passage, we have been clear that our intention is to use these powers only in respect of substantial reconfigurations. The vast majority of reconfigurations will be managed without any ministerial intervention. These amendments and our planned regulations reinforce that principle.

Under the Town and Country Planning Act 1990, the Secretary of State for Levelling Up, Housing and Communities has powers to call in any planning application. However, the stated policy for many years has been to be very selective about doing so, and Ministers will, in general, consider the use of call-in powers only if planning issues of more than local importance are involved. I should like to put formally on the record that our intention is that the same principle applies here.

On the Secretary of State's call-in power, concerns have been raised about patient safety. I want to be clear that these powers should never, and will never, prevent providers making urgent temporary changes where there is a clear and acute risk to the safety of patients or staff.

Secondly, our amendments give local authorities, NHS commissioners and anyone else the Secretary of State considers appropriate, a right to make representations to the Secretary of State where he or she has called for a proposal for consideration. We expect this to include any relevant provider. The Secretary of State will be required to publish a summary of representations he or she receives, and we will set out in statutory guidance further detail on how local bodies, including providers, will be engaged. In addition, we also want the CQC's expertise to be taken into account where it is appropriate for relevant reconfigurations. We will therefore look to make clear, in guidance, where information provided by the CQC should be taken into account.

Thirdly, transparency is vital to ensure that these powers are always used by Ministers in the public interest. We are therefore requiring the Secretary of State to provide the reasons for his or her decisions and directions when he or she makes them.

Finally, we have heard throughout these debates that reconfiguration decisions must be made quickly to improve the quality of services received by patients. Our amendment requires that, once he or she has called in a reconfiguration proposal, the Secretary of State must make any decisions within six months. We believe that this set of changes answers many of the key concerns raised in Parliament and I therefore urge noble Lords to consider supporting these amendments.

I now turn to Amendment 48C, particularly on the issue of modern slavery. We clearly share the strength of feeling expressed in both Houses on ensuring that the NHS is in no way inadvertently linked to slavery and human trafficking through its supply chain. That is why the Government brought forward an amendment in the first round of ping-pong that creates a duty on the Secretary of State to undertake a thorough review of NHS supply chains. Today, I can announce that we will go further than this. The Government's further amendment in lieu will require the Secretary of State to make regulations with a view to eradicating the use in the NHS in England of goods or services that are tainted by slavery or human trafficking. The regulations

can set out steps that the NHS should be taking to assess the level of risk associated with individual suppliers; the basis on which the NHS should exclude them from a tendering process; and what measures should be included in contracts. I am particularly grateful to my noble friend Lord Blencathra and also the noble Lord, Lord Alton of Liverpool, for their campaigning—in fact, their persistence—on this issue, and I welcome their support for the amendment. I will also continue, with other Ministers, to work closely with others across government to ensure that our measures to eradicate modern slavery in NHS supply chains are effective and targeted, and reflect best practice.

We must now turn to the issue of the adult social care cap. The Government have announced their plan for a sustainable social care system. It is fair and affordable, and designed to end the pain of unpredictable care costs by capping the amount anyone would need to pay at £86,000. The elected House has once again voted overwhelmingly in favour of our proposals, which are financially privileged—and I would remind the House of its proper role in considering matters that are financially privileged. On the issue of substance, this House will be aware that Governments of all parties, for many years, have considered social care but not implemented reforms due to concerns about the affordability of introducing a cap. I have said previously that reports have gathered dust on shelves but never actually been implemented. Now we have a real opportunity to grasp the nettle. If there are issues or unintended consequences, these will likely be found by the trailblazers, and we can then tweak the system to address any shortcomings. I ask noble Lords to not allow this opportunity once again to slip away.

The existing system is simply not good enough, and our reforms are a vast improvement. Our reforms ensure that more people are eligible for support with the costs of their care; that the amount they spend each week is reduced; and that they can retain more of their savings. At the moment, people get support with the costs of their care only once they have depleted their assets to under £23,250. We are increasing this fourfold, so that people with up to £100,000 in savings, who are currently paying all the costs of their care, will now be eligible for funding support from the state. Under the current system, only once you have depleted your assets to £14,250 do you no longer need to contribute from your assets. We are increasing this to £20,000. Most crucially, at the moment there is no cap. Our reforms mean that people will have more certainty and more peace of mind, and will be able to plan ahead, whatever part of the country they are in.

9 pm

The changes introduced in this House make reform of the social care funding system unaffordable. These provisions are subject to Commons financial privilege and, again, the elected House has made its view clear in support of the Government's position three times. I really ask your Lordships to listen carefully to the views of the other place.

Without the Government's clause there would be a fundamental unfairness, because people would meter according not to what they paid but to what their council paid, for reasons they have no control over. Someone living in Hertfordshire, making exactly the same contribution towards their care as someone in Hartlepool, could hit the cap first purely because of variations in the costs of care in different part of the country that mean the local council in Hertfordshire is paying more towards their care.

We are committed to levelling up and must ensure that people in different parts of the country are benefiting to the same extent. Our provisions support this. Amendments 80A to 80N also contain crucial changes to support the operation of charging reform. These were lost by the removal of the clause.

Amendment 80S would require the Government to publish an evaluation and impact assessment of trailblazer local authorities before making regulations to amend how costs accrue towards the cap. The Government already intend to evaluate implementation in the trailblazer authorities. Learning from the trailblazer initiative will be shared with the wider adult social care sector through regular bulletins and events. We have to trust the learning process.

The amendments in front of us would cost the taxpayer nearly £1 billion per year extra by 2027-28. Ultimately, what does this mean? It would mean that we would need to make the same level of savings elsewhere. Where would we find those savings? This could mean making the system less generous. It could be by raising the cap, reducing means-tested support, or expecting people to make contributions towards their daily living costs that are unaffordable from most people's income. It could also mean that we have to reduce investment in things that would improve the quality of people's lives and experience of the care system, whether that is investment in the workforce, in appropriate housing or in digitalisation. That is not what the elected House wants us to do, as was clearly demonstrated by the vote last night in the other place.

Our approach, we believe, is the right one, and I ask noble Lords to agree to Amendments 80A to 80N but disagree with Amendments 80, 80S and 80T. I beg to move.

Motion A1 (as an amendment to Motion A)

Moved by ***Baroness Merron***

At end insert ", and do propose Amendment 29D in lieu—

29D: Page 42, leave out lines 14 to 19 and insert—

"(1) The Secretary of State must, at least once in every three years, lay a report before Parliament describing the system in place for assessing and meeting the workforce needs of the health, social care and public health services in England.

(2) NHS England and Health Education England must assist in the preparation of a report under this section.

(3) The organisations listed in subsection (2) must consult health and care employers, providers, trade unions, Royal Colleges, universities and any other persons deemed necessary for the preparation of this report, taking full account of workforce intelligence, evidence of trends in healthcare and demand for it, and workforce plans provided by local organisations and partners.""

Baroness Merron (Lab): My Lords, I beg to move Motion A1 as an amendment to Motion A to insert the words as printed on the Marshalled List. My noble

[Baroness Merron]
friend Lady Wheeler will speak to Motions D and D1 and I will focus my remarks on the issue of the health and social care workforce. However, before I do, I welcome the compromises reached on the reconfiguration of local services and on NHS procurement while avoiding modern slavery. I believe the constructive discussions that we have had have truly improved this Bill and I am grateful to noble Lords across the House and to the Minister for his efforts and commitment.

The importance of the workforce has been debated extensively, both in the other place and in your Lordships' House. Once again, I am arguing for the importance of implementing a proper forward-looking plan. That I am doing this even after yesterday's proceedings in the other place conveys just how strongly we feel on this issue. Over 100 organisations of healthcare professionals, think tanks, practitioners and patients have supported our efforts. They continue to press us to make the point that, without mandated forecasts of staff numbers, meaningful workforce planning—something that every other efficient organisation undertakes—cannot take place. They continue to despair at the Government's now repeated refusal to demonstrate proper commitment to safely staffing our hospitals and other healthcare settings.

We all know that there is desperate understaffing. The staff know it; they feel the pressure and they see the adverse outcomes. The patients know it, often falling into a cycle of long waits, in pain and discomfort, because of staff shortages. Resolving this is quite straightforward. We need a national staffing picture, otherwise how will we know whether we are training enough staff to meet the needs of the country? Yet the Government continue to refuse to commit to producing such an assessment. They say that the necessary work has already been done, or is going to be done, but we, and stakeholders, vehemently disagree, and it is hard to follow the Government's logic.

If the Secretary of State will not show leadership then NHS England must step up and produce its own requirements and projections, or the Local Government Association could commission such work across the country by local authority. Some way, somehow, every integrated care system and local authority will have to quantify their future workforce requirements and projections and plan for how these will be met.

The Government's current drafting leaves open some serious questions. We do not know whether the plan will cover health and social care workforces. What is the intended timeframe of the commissioned NHS England plan, and will it be recommissioned once this period expires? Can the Minister confirm that robust data on staff numbers in our healthcare workforces will be published and, if so, when? I would be grateful for any clarification that the Minister can provide.

I deeply regret that the Government have felt unable to meet with parliamentarians—the Opposition, other political parties or indeed any of our experienced Cross Bench Members—even to discuss this issue. This is an irregular and unwarranted response. I hold out hope that, even at this late stage, the Government may see good sense in planning for the workforce that we need, instead of leaving it to chance. I beg to move.

The Deputy Speaker (Baroness Henig) (Lab): Two noble Baronesses will be taking part remotely. I first call the noble Baroness, Lady Campbell of Surbiton.

Baroness Campbell of Surbiton (CB) [V]: My Lords, I strongly support Motion D1, to be moved later, in the name of the noble Baroness, Lady Wheeler. It attempts to salvage something of what we set out to achieve on Report. Noble Lords will remember that I was particularly keen to achieve a zero cap for working-age adults who have or who develop eligible care needs under the age of 40. This would enable them to save enough for an ordinary life, like other people.

Amendment 80S would allow regulations to decide how costs accrue under the Care Act, including local authority costs. Not to let them count is fundamentally unfair, adding years to the time it would take to reach the cap. The amendment ensures that the trailblazer pilots are assessed and reviewed by Parliament in the light of regional variations and the impact on younger disabled adults.

Disabled people are contributing to their care from benefits intended to cover the extra costs of disability. Four million disabled people in the UK are living in poverty and are particularly hard hit by the rising cost of living. Without some easing, they will remain trapped in poverty. The Minister has told us many times that the cap is proportionate and fair. He refers to the uprating of social care allowances, meaning the minimum income guarantee—what is left after being charged for care. In practical terms, it is minimal. To someone with the highest support needs and on the highest rate of disability benefits, it amounts to £4.55 a week. That barely keeps pace with the cost of living, let alone their extra disability costs, which are estimated at £583 per month. It is also far less than older people receive. Disabled people will be simply crushed by their rising debts.

If the Government's proposals go through tonight, young disabled people will never participate in society as equal citizens, and those totally reliant on benefits will suffer even more financially—yet we know from the evidence that investing in social care to support disabled people improves their health, enhances their independence and reduces demand on welfare benefits.

The amendment in the name of the noble Baroness, Lady Wheeler, does not thwart the primacy of the elected House. Nobody says that the current system is acceptable, but these proposals from the Government are not the answer. The public are demanding better social care and support for all those who need it so that they can thrive as dignified human beings. The Government's last-minute changes to their reforms, sprung on Parliament with no time for proper scrutiny, will not deliver the will of the people, who want investment in social care.

We must, and we will, continue our efforts to secure a better deal, especially for those young disabled people starting out in life, who simply want a life like anyone else. The least we can do tonight is support these reasonable and modest amendments, so that that can become a reality.

The Deputy Speaker (Baroness Henig) (Lab): My Lords, I call the noble Baroness, Lady Brinton.

Baroness Brinton (LD) [V]: My Lords, it is a privilege to follow the noble Baroness, Lady Campbell of Surbiton. I start by thanking the Minister for the large number of meetings during the passage of this Bill in the Lords—with some exceptions, but I will return to those shortly. It has been, for the most part, a very constructive engagement that has taken a considerable amount of the Minister's and his officials' time. I believe that the constructive nature of the discussions means that this Bill will leave your Lordships' House in a better state, and more workable in practice, than when it arrived.

I will speak on Motions C, D and D1 and will leave Motions A, A1 and B to my noble friend Lady Walmsley. I pay particular tribute to her for her dedicated work on the Front Bench, which I have been unable to fulfil because of the strict rules relating to remote contributions.

On Motion C on modern slavery, I particularly thank Ministers for listening to the concerns across all parties in both Houses. Motion C addresses many of the concerns that there were about the willingness of the Government to carry out a review in order to better understand the risk of slavery, human trafficking and modern slavery in the NHS supply chain. It is, of course, only a first step. Eradication of slavery and human trafficking in health service supply chains must remain the key objective, but this will give the Government the tools they need. The publication arrangements will be transparent, and Parliament will have a chance to scrutinise it. For these reasons, these Benches will not oppose Motion C.

I turn now to Motions D and D1 on the social care cap. I start by thanking the Minister for his letter—received this afternoon—addressed to the noble Baroness, Lady Wheeler, and copied to myself and others who have attended meetings with him on the social care cap, which provided more detail on the trailblazer programme. By the way, in any other environment they would be called "pilots", but there we go. I am struggling to see what is new about the trailblazer programme in that letter, other than one extraordinary sentence which says:

"I would be happy to arrange a further meeting with you and the policy team if you would like to discuss this in more depth".

9.15 pm

This is extraordinary because, as was alluded to by the noble Baroness, Lady Merron, until now Ministers have refused to discuss the detail of the social care cap with Peers, even when we met last week. Indeed, being told that if we tabled any amendments on this and workforce, then any concessions on the other two issues would be removed from the table, was a somewhat breath-taking breaking of convention, so I think that we are all relieved that Ministers removed that edict. I hope that we can safely return to the usual conventions.

Motion D still does not recognise that the proposed changes to the care cap, announced just before the Bill left the Commons before Christmas, have not had any wider consultation with stakeholders, and have had only the briefest timed debate in the Commons. That is important because the Government's changes to the care cap, not mentioned by the Minister this evening, mean that the amounts accrued towards the £86,000 cap are now based solely on the individual's out-of-pocket expenses. Although individuals will still qualify for means-tested financial support if their assets fall below £100,000, in practice this will no longer protect people with more modest means and will simply see them contributing over a much longer period.

This is a regressive arrangement which will leave many people in a much worse position than that outlined by the Prime Minister on the steps of No. 10 Downing Street or by the Secretary of State for Health when the White Paper on the health care levy was introduced and before any of this detail was published. The Minister has repeatedly said during the passage of the Bill that those under 60 who receive personal care will not be worse off. That is untrue, as was so ably explained just now by the noble Baroness, Lady Campbell, whom we support in her aim for a zero cap.

Even the Government's own impact assessment shows that its proposals will benefit only around 10% of working-age care users, and that there will be a limited impact on improving the funding spent on working-age disabled adults. How many more times must we say that it is still a disgrace that younger adults with disabilities—who we know are more likely to be asset and savings-poor, likely to need care and support for much longer, and so will accrue much higher levels of costs than the elderly—will use the same arrangements as older people? Those older people will use personal care for much less time and will have had decades of income and asset-building behind them. The proposals from the Government are just not fit for purpose and must be reviewed for this group of younger adults in particular.

Motion D says that there must be an evaluation of the trailblazer and that assessments can happen as they go along, but there is a big risk to the Government there. If there are problems, which we believe there will be—not least the financial impact on some of the most vulnerable adults in our community—they will not surface until it is too late. Therefore, from these Benches we support Motion D1 and urge the Government, even at this last minute, to reconsider.

Baroness Altmann (Con): My Lords, I follow the noble Baronesses, Lady Brinton and Lady Campbell, and will confine my brief remarks to social care, which I have long worked on. Sadly, the measures in the Bill will not rise to the challenge as required to sort out the social care system in our country.

I accept and congratulate the Government on the concessions that they have made. I am delighted to see Motion C on modern slavery. However, as far as social care is concerned, I would like to understand from my noble friend, on workforce planning, whether private care homes and non-state care home staff will be assessed as to adequacy. At the moment, there are horrendous staff shortages, and the current immigration policy does not seem to include carers—an essential element of the workforce—because of the pay structures. If he could explain what the social care workforce elements of the Government's proposals are for the non-state social care sector, I would be most grateful.

I am not planning to vote against the Government on Motion D1, but I am afraid that I cannot support them. I put on record that I agree with everything that

[Baroness Altmann]
has been said about the Government's changes to the social care cap. I believe that the measures are regressive; they will damage the least well off—or the lower end of the middle range of people, shall we say. They may be better than the current system, but they are not a solution and are not satisfactory. We will end up having to revisit the support for social care. Having said that, and in view of the fact that this is financial privilege, I will not vote against the Government on Motion D1.

Baroness Bennett of Manor Castle (GP): My Lords, I rise very briefly to offer Green support for both Motions A1 and D1. Motion D1 has already been very amply covered, most notably by the noble Baroness, Lady Campbell of Surbiton, so I will just address my remarks to Motion A1.

I know that many Members of your Lordships' House feel as though we do not want to be political about things—I might have thoughts about that—but this is not a political amendment at all. As the noble Baroness, Lady Merron, said, more than 100 of our major healthcare organisations have expressed support for this workforce planning approach. Just a couple of hours ago, and this addresses your Lordships' House directly, the British Heart Foundation put out a press release saying that, without this amendment, it is

"unclear how ambitious targets laid out in the Elective Recovery Plan and other NHS delivery plans can be met."

The chief executive said that

"the Government has missed an open goal by failing … to address the workforce shortage".

In addition, just yesterday the King's Fund put out a report saying that the Government—they can welcome this—are "on track" to meet their target of "50,000 extra nurses" by 2024. However, the King's Fund points out that the level of vacancies is still the same as it was when that promise was made. Just plucking figures out of the air and going, "Hey, we've got this great figure", is not enough; we need to plan for the future. That is why this amendment is absolutely crucial for our NHS.

Baroness Harding of Winscombe (Con): My Lords, I rise very briefly to speak to Motion A1. I will first thank my noble friend the Minister for his fantastically collaborative approach on the Bill. I am particularly delighted to see the Government's proposals on reconfigurations, so I thank him very much for them.

On workforce, I fear that there is almost nothing more to be said. Throughout the passage of this Bill, at every stage in this House and across all sides, we have all been clear that if we do not resolve the workforce issues—the people issues in the NHS—everything else is for naught. Yet we come to end of this process and there have been no changes at all. It is with great sadness that I speak today because I feel that, despite the great work that has been done and all the best intentions, things will not improve. I would love to believe that I am wrong, that my noble friend the Minister is right and that the workforce elements of the Bill are sufficient, but I am afraid that the evidence of the last 20 years is that they are not.

Lord Blencathra (Con): My Lords, I support Amendment 48C in lieu, and what an extraordinary amendment it is. The Government have accepted, for the first time, that they must make—and will make—regulations

"eradicating slavery and human trafficking in supply chains".

This is an extraordinary turnaround, and I congratulate my noble friend the Minister and the Secretary of State, Sajid Javid, on it.

However, the real hero here is the noble Lord, Lord Alton of Liverpool. In every relevant—or even vaguely relevant—Bill we have considered in this Parliament, he has sought to pass an amendment or new clause tackling genocide or slavery in Xinjiang province. Every time, his amendments have been rejected on the absurd notion that only an international court can decide on genocide. He has articulated again and again the terrible abuses of the Uighurs in China: forced labour camps, sterilisation of women—that is slow-motion genocide—systematic rape, murder and torture. He has called for us not to trade with any company making anything which emanated from such slave labour, either in China or anywhere else in the world. His persistence has paid off and, aided by my right honourable friend Iain Duncan Smith in another place, the Government have now produced this amendment in lieu.

At this moment we have no idea what a change this will bring about. It may seem a small start now but I care to bet that in, say, 20 years' time, historians will point to this amendment and the campaign of the noble Lord, Lord Alton, and say that it has changed world history. I will press my noble friend the Minister on the timescale here. I hope we will have the regulations on the statute book within about 12 months and will not have to engage in the formerly proposed and rather convoluted 18-month consultation system with everyone under the sun around the world. Indeed, the Secretary of State announced last week that he was banning CCTV cameras from Hikvision, a company with close ties to the Chinese Communist Party. I assume he did that without extensive consultation.

My noble friend the Minister probably cannot answer this, but I hope that the promised procurement Bill will have equally strong provisions. Indeed, it will not get through this House unless it mirrors what the Secretary of State has done here. There can be no back-sliding now.

In conclusion, and in addition to once again congratulating my noble friend Lord Alton, I wish to praise my right honourable friend Secretary of State Javid, who—if I may say so without being patronising—is turning out to be rather good. I tried amendments on single-sex provision in NHS hospitals and the Secretary of State has now urged NHS trusts to do it. I say to him, "Don't urge them, Secretary of State—make them do it. You must re-write Annexe B and protect women."

He has also rightly demanded a review of the consequences of children having their sex changed on the basis of inadequate evidence. As he points out, the zealots in the militant trans lobby who are marching children through the sex-change machine could be committing child abuse. That is the real conversion therapy that needs to be banned. It looks like we may have someone sensible in charge of the DHSC. The Motion moved by my noble friend tonight proves that and I commend it once again.

Lord Alton of Liverpool (CB): My Lords, it is a great pleasure to welcome government Amendment 48C. To see an amendment committing the National Health Service to the eradication—that word "eradication" is amazing in itself—of slavery and human trafficking in NHS supply chains is as welcome as it is remarkable. This becomes like a mutual admiration society, but I take this chance to thank my noble friend Lord Blencathra and pay tribute to him for the work he has undertaken to secure this amendment; we have become good friends in the course of this amendment and other fights on these issues as the years have gone by.

I also want to reference the work of the Bill team, who my noble friend and I met yesterday along with the Minister. I pay tribute to them for the work that they have done; they have gone an extra mile. I also thank the Minister himself and the noble Earl, for helping us with his advice in earlier stages; it was candid but helpful, and I appreciate that. I thank the Secretary of State, who has been referred to. There is no doubt that this is not just another issue as far as he is concerned; he is deeply committed to it. He does not want to be the Secretary of State presiding over a National Health Service accused of purchasing goods made by slave labour in places such as Xinjiang.

I also pay tribute to the charities and NGOs that have campaigned for this—not least the charity Arise, of which I am a trustee, and its chief executive Luke de Pulford. Serendipitously, it held a reception here attended by some noble Lords who are in the Chamber tonight, including government Ministers, a former Minister and other Members from all sides. The reception included speeches from Sir Iain Duncan Smith, Sarah Champion and Danny Kruger, underlining the bicameral, cross-party and no-party support for this amendment.

The Minister knows that I have two short questions for him about the amendment. One concerns a point raised by my noble friend Lord Blencathra about the timetable for laying the regulations and seeks his assurance that nothing is being done—such as further reviews or consultations—to kick this down the road. I do not believe that that is the case but I would love to hear it from the Dispatch Box. Secondly, the amendment gives power to the Secretary of State to assess the circumstances in which the amendment will be implemented. As the Minister knows, I would like an assurance that the reference to the word "appropriate" in the amendment could never be used to frustrate the decision of Parliament to achieve the central objective of the amendment; that is, to eradicate slavery from the supply chains.

May I also press the Minister on two other related issues? They relate to the purchase of goods from a state that was, after all, described by the Foreign Secretary herself, Elizabeth Truss, as one committing genocide. The Minister knows that the Government continue to use, in his words, commercial sensitivity in answering questions about the loss of UK taxpayers' money on faulty PPE and addressing legitimate questions involving transparency and accountability. The Minister has confirmed to me—I quote him—that

"the Department's Anti-Fraud Unit received referrals from varying sources on 37 contracts."

As recently as 7 April, the Minister told me:

"The Department is committed to transparency and a total of funds recovered may be published in future."

I wonder whether the Minister can tell us when we will get to a point when publication will be allowed.

9.30 pm

Secondly, in total, some £10 billion—the size of our entire depleted budget for overseas aid and development throughout the entire world—has been paid to the People's Republic of China on PPE. That same amount of money could have been used to improve quality of life, save lives and reduce our dependency on the Chinese Communist Party—a point that the noble Lord, Lord Blencathra, and I have made on a number of occasions. It also could have been used to enhance the national resilience of this country, not least if we face another pandemic.

Only yesterday afternoon, a letter was issued by the Biometrics and Surveillance Camera Commissioner, Professor Fraser Sampson. He wrote to all government departments praising Sajid Javid's decision to prohibit

"any further procurement of Hikvision surveillance technology"

by the Department of Health. Can the Minister confirm that existing cameras in his department are being stripped out? It has been reported that they are.

Like the amendment, these actions demonstrate on the procurement of PPE and other commodities coming into the NHS. I want to ask one other question of the Minister. Professor Sampson expressed concern about what he called

"clear ethical and human rights issues involved in public procurement of surveillance technology from companies associated with atrocities in China."

He says that, eight months after asking Hikvision to address shocking allegations, it has failed to answer his questions. There are more Bills coming: there will be a new modern slavery Bill and a procurement Bill. As my noble friend said, there will also be an opportunity for more amendments. However, it would be helpful to know this evening whether this excellent amendment will be used as a yardstick when it comes to framing other putative legislation.

Baroness Walmsley (LD): My Lords, I begin by welcoming Motion B, which puts in place government Amendments 30C to 30K, laid in another place. They relate to the Secretary of State's role in major NHS reconfigurations and are a credit to the Minister, his ministerial team and the Bill team. They have listened to the strong arguments from across this House, led so ably by the noble Lord, Lord Stevens of Birmingham, who is unable to be with us tonight. I thank the Minister for agreeing—eventually—that the powers originally proposed in the Bill were excessive, disruptive and unnecessary.

Unfortunately, we have not had such a fruitful consensus on the matter of workforce planning. We do not agree with the Commons that our workforce amendment, Amendment 29B, was unnecessary because appropriate measures already appear in the Bill. If that were so, and if the sector had had confidence in the Government's track record in planning for adequate and safe staffing levels in health and care services, we would not have had more than 100 organisations

[Baroness Walmsley]
backing our earlier attempts, led so well by the noble Baroness, Lady Cumberlege, to put in place a mandatory system for reviewing the available workforce and predicting what will be needed in future. However, here we are, with the Government having set their face firmly against any compromise on or serious discussion about the matter. One has to ask what the Government are afraid of.

Any effective workforce strategy must be based on reliable information, be regularly refreshed and have numbers in it. This House and the whole sector have no confidence that what the Government are proposing will do that. I understand that the Treasury has had a hand in the Secretary of State's determination to just say no. Perhaps the Treasury is unwilling to foot the Bill, which will prove to be essential when all is revealed.

I put it to the Minister one last time that our proposal would be cost-effective. Staff shortages are a false economy. Missing staff are often replaced by very expensive locums and agency staff, and the stress of unsafe staffing levels causes valued staff to leave the service. Training and recruiting staff to replace them also costs money. High staff turnover is not an effective strategy for any business or service, and poor treatment for patients often has to be done again or leads to greater and more expensive needs further down the track. No efficient shopkeeper would fail to do a proper stocktake or take account of what people are buying and therefore what he needs to order to replenish his stock—but that is what the Government are doing if they fail to plan effectively for safe staffing. It is much more serious than empty shelves, because it is playing with people's lives, as was recently demonstrated so clearly by the Ockenden report.

If the Government are determined not to carry out the reviews and consultations in Amendment 29D, I would like to ask the Minister whether they would be happy for some other organisation, such as NHS England, to do so and whether they will take note of the results of that investigation. Amendment 29D from the noble Baroness, Lady Merron, in Motion A1, is not a silver bullet; it will not solve the current staffing crisis in the NHS and care services. But it would provide a strong foundation for future safe and cost-effective staffing, which would be to the benefit of the whole population. It is our duty to ask the Government to think again—again.

Baroness Wheeler (Lab): My Lords, in closing the debate before we hear from the Minister, I make no apology for concentrating on social care, on how the care cap is to be implemented, and on my Motion D1, which implores the Commons to think again on this vital issue. I thank noble Lords who have given their strong support to Motions A1 and D1.

I wish to reinforce the key point that, from the outset, social care and Parliament have been treated pretty shabbily as part of this Bill. It is essentially an NHS Bill. As we know, the social care cap and charging arrangements were added to the Bill in the Commons, with no notice and after the Bill had finalised its Committee stages, and were then pushed through, without any opportunity for full explanation, scrutiny or time to consider the impact on the hundreds of thousands of people who are desperately in need of social care and support and will not receive it under these proposals. We later also had the money-saving bombshell announcement of local authority contributions not being allowed to accrue against the care cap, which was designed to achieve savings on the Government's original package—even before any form of scrutiny of the Bill had commenced—that will be at the expense of some of the country's poorest and most vulnerable people.

As noble Lords have pointed out, in reality, we in the Lords Chamber have had little actual time to consider and debate these vital social care provisions, despite many hours and days being spent overall on a long and complex Bill. Worst of all, we had the blank refusal by the Government to discuss or address any of the concerns and issues expressed or put forward by noble Lords from all sides of the House, with their deep expertise and knowledge across social care, or the detailed and painstaking evidence and modelling work undertaken by key stakeholders, such as Age UK, Mencap, the Alzheimer's Society, and the King's Fund, Nuffield Trust and Health Foundation expert think tanks. We have instead been told that Ministers have done their best to explain their proposals, but they have absolute red lines against making any changes whatever. Is this what must now pass for parliamentary dialogue, scrutiny and debate?

For the record, I will underline some of the key reasons why opposition to the Government's proposal for the cap implementation is so clear and strong. The cap level and implementation strongly favour the better off and would bring almost nothing to the worst off. This is unfair and the opposite of levelling up. Older people and those with modest means all fare badly under the Government's charging proposals.

Even the Government's own impact assessment admits that only 10% of working-age disabled adult care users will benefit, that one in five older people will not see the benefits of the cap and that poorer care users are much more likely to die before they reach the cap than others with the same care needs. Among older people, those in the north-east, Yorkshire, Humber and the Midlands will be worse off. For dementia sufferers regionally, just 16% of people in the north-east and 19% in the east Midlands would hit the cap, compared with 29% in the south-east. The overall figure, as a result of disallowing local authority contributions towards the cap, is that only 21% of people living with dementia would reach it.

The mountain of evidence produced by stakeholders and think tanks shows that social care is not being fixed, as the Government continue to try to have us believe. The "nobody will have to sell their home" promise is firmly debunked, too, despite the Government desperately clinging on to it; it is a hollow and false claim. Somebody with assets of £100,000 will lose almost everything, while someone with assets of over £1 million will keep almost everything. How can this be the fair plan that the Minister insists it is?

The reality is that, as the Government holds to their solid red line, their arguments just do not stand up but get weaker by the minute. The Minister argues that his is the only affordable plan, but, if that is the case, why

do the £90 million of savings have to be paid for by those who can least afford it, and why are there not better plans to protect those with fewest assets?

Local authority care contributions counting towards the cost are presented by the Government as unfair. Instead, they insist that setting the cap at the same level for everybody,

"no matter their age, where they live in the country or the nature of the care and support they need to draw on",—[*Official Report*, 5/4/22; col. 1986.]

is the fairest system. Is that not also the opposite of how levelling up should work?

The argument that no one will be worse off than under the current system is just not borne out by the overwhelming evidence from the stakeholders and think tanks. The contention that the Government are reforming and changing the system where previous attempts have failed just is not true. There was cross-party agreement on the implementation of the Care Act after detailed scrutiny of the Dilnot proposals, and it was this Government who failed to implement it. I remind the House, as someone who was heavily involved in the scrutiny of that Bill, that there was no mention of the Care Act provisions being unaffordable when the Act and its implementation proposals were agreed in 2014.

On working-age adults, as the noble Baroness, Lady Campbell, has again forcefully underlined, the Government's proposals will mean that they remain trapped in poverty. The Minister's previous reference to the uprated social security benefits that they will receive instead under the minimum income guarantee completely missed the point of how social care needs have to be supported.

Ministers have doggedly stuck to their responses, without either acknowledging or addressing these clear counterarguments and evidence. My Motion again reinforces the key issues that we have tried all along to get the Government to respond to: the importance of implementing the care cap under the consensus provisions of the Care Act, and ensuring that local authority care costs are allowed to accrue towards the cap to avoid the huge unfairness that not doing so will cause to key groups in need of social care.

Finally, we want to make sure that the Government's much-vaunted but little-explained trailblazer pilots are completed before regulations on the cap are agreed, as well as including the analysis of the impact on regional eligibility and the effect of the cap on working-age disabled adults under 40 with eligible care needs. Is this not both sensible and fairer to the key groups who stand to lose so much under the Government's proposals? Why is this so difficult for the Government to agree to? I referred to "little-explained pilots", but I did receive a letter three hours ago from the Minister, for which I thank him, setting out information about the pilots that in fact adds very little more than the DHSC press release in March and also shows that they will not be evaluating the key areas of impact that my Motion calls for.

I will also add that I have seen recent government claims in the media that deleting the social care cap arrangements in the Bill would jeopardise the whole Bill. I emphasise that that is not so. In their place we would instead have the rest of the Bill and the Care Act 2014 provisions, which would form the basis for moving forward quickly and implementing the cap in a much fairer and more inclusive way that would benefit many more people in desperate need of social care support.

I hope that even at this late stage the Government will listen, address the overwhelming concerns and evidence from all the stakeholders and experts on social care services and delivery and accept my Motion as the best way forward.

Lord Kamall (Con): I thank all noble Lords who have spoken in this debate. I will turn to the issues as briefly and succinctly as I can.

On workforce planning, I hope I can assure noble Lords that we will engage with stakeholders on the preparation of the report, which will include the regulated workforce in health, social care and public health. I hope your Lordships also understand the work being undertaken by the Government, NHS England and Health Education England to improve workforce planning and to lead the improvements we all seek. This is why we think the amendment is unnecessary. I also remind noble Lords that at local level there is an incredible amount of local planning going on much closer to the ground.

9.45 pm

I turn to reconfigurations. This power will ensure that decisions made in the NHS that affect the general public in England are subject to democratic oversight. I thank noble Lords across the House for their support and the fact that we are going to listen to local voices at the heart of decisions.

On modern slavery, I thank the noble Lord, Lord Alton, and my noble friend Lord Blencathra. It is right that the Government take action by identifying, mitigating and tackling the crime of modern slavery and human trafficking. Sometimes when we discuss these issues we find that legal arguments get in the way, but in this case the legal arguments worked in our favour because "avoid" could mean turning a blind eye to modern slavery, whereas "eradicate" means working with suppliers and saying to them, "Unless you change your practices, we will not buy any more stuff from you." So, in fact, the lawyers have been our friends in this case—I wonder how often that is said.

The ambition is 12 to 18 months; we want to get this done as soon as possible, not to kick the can down the road. Both my right honourable friend the Secretary of State and I are personally committed to this, and we are incredibly grateful to the noble Lord, Lord Alton, my noble friend Lord Blencathra and Iain Duncan Smith for pushing us and being persistent on this.

I turn to Amendments 80, 80P and 80Q, as well as 80S and 80T. We ask that noble Lords reject these amendments and accept Amendments 80A to 80N instead. The cap on care costs clause is key to the Government ending the unpredictable care costs for everyone at the moment by introducing a universal £86,000 cap. It must stand part of the Bill, alongside the further necessary Amendments 80A to 80N.

[Lord Kamall]

The elected House agrees with our proposals, having once again voted overwhelmingly in favour—with an even greater majority than when this matter was last considered.

Finally, I must reiterate that Amendments 80, 80S and 80T would all affect the financial arrangements to be made by the other place and will cost the taxpayer not £90 million extra a year but almost £1 billion—£900 million a year—by 2027-28. As such, they have financial privilege. There is no cap at the moment. Our proposals bring predictability: more people will receive support, have to spend less each week and keep more of their savings. Let us grasp this opportunity.

I also remind noble Lords that at the beginning of the consultation we had an open meeting with the Minister for Care, Gillian Keegan, to answer all questions, including on the cap and the metering. Please let us grasp this opportunity or we could be waiting for another proposal. This proposal could wait, gathering dust on shelves for many years to come, like previous proposals. Let us grasp the opportunity and have the courage to address social care. I ask that noble Lords support our amendments.

Baroness Merron (Lab): My Lords, in opening this debate, the Minister said that Motion A by and large did the job that Motion A1 seeks to do. I beg to differ, and so do more than 100 key organisations that work day in, day out on health and social care. Unless we plan and prepare to have the right workforce in place, it will continue to be the case that we do not have the right workforce, so what is happening now will simply continue. We will not be sure of safe staffing levels, nor have the people in place to give the levels of service that mean patients do not have to continue to suffer long and painful waits.

I remain deeply disappointed that on workforce, a central pillar of how we run our health and social care services, the Government have refused to even discuss this matter. I ask the House to agree to Motion A1.

9.49 pm

Division on Motion A1

Contents 169; Not-Contents 204.

Motion A1 disagreed.

Division No. 9

CONTENTS

Aberdare, L.
Addington, L.
Adebowale, L.
Alderdice, L.
Allan of Hallam, L.
Alton of Liverpool, L.
Anderson of Ipswich, L.
Anderson of Swansea, L.
Armstrong of Hill Top, B.
Bakewell of Hardington Mandeville, B.
Barker, B.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley, L.
Blake of Leeds, B.
Blunkett, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Boycott, B.
Bradley, L.
Brinton, B.
Brown of Cambridge, B.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bull, B.
Burnett, L.
Burt of Solihull, B.
Campbell of Surbiton, B.
Campbell-Savours, L.
Cashman, L.
Chakrabarti, B.
Chandos, V.
Chapman of Darlington, B.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Corston, B.
Davies of Brixton, L.
Davies of Stamford, L.
Dholakia, L.
Donaghy, B.
Drake, B.
D'Souza, B.
Dubs, L.
Elder, L.
Featherstone, B.
Finlay of Llandaff, B.
Foster of Bath, L.
Fox, L.
German, L.
Glasgow, E.
Goddard of Stockport, L.
Golding, B.
Grender, B.
Grey-Thompson, B.
Grocott, L.
Hacking, L.
Hamwee, B.
Hanworth, V.
Harris of Haringey, L.
Harris of Richmond, B.
Haworth, L.
Hayman of Ullock, B.
Hayman, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Janke, B.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Kennedy of Southwark, L.
Kerr of Kinlochard, L.
Kerslake, L.
Khan of Burnley, L.
Knight of Weymouth, L.
Lawrence of Clarendon, B.
Layard, L.
Lee of Trafford, L.
Liddell of Coatdyke, B.
Lister of Burtersett, B.
Ludford, B.
Mallalieu, B.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
McAvoy, L.
McDonald of Salford, L.
McIntosh of Hudnall, B.
McNally, L.
McNicol of West Kilbride, L.
Meacher, B.
Merron, B.
Miller of Chilthorne Domer, B.
Morgan of Huyton, B.
Murphy of Torfaen, L.
Neuberger, B.
Newby, L.
Northover, B.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Pannick, L.
Parminter, B.
Pendry, L.
Pinnock, B.
Ponsonby of Shulbrede, L.
Primarolo, B.
Purvis of Tweed, L.
Ramsay of Cartvale, B.
Ramsbotham, L.
Razzall, L.
Redesdale, L.
Rennard, L.
Roberts of Llandudno, L.
Rooker, L.
Rosser, L.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Sikka, L.
Smith of Basildon, B.
Smith of Newnham, B.
Stansgate, V.
Stephen, L.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Bolton, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Triesman, L.
Tunnicliffe, L.
Tyler of Enfield, B.
Verjee, L.
Wallace of Saltaire, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watkins of Tavistock, B.
Watson of Invergowrie, L.
Wheatcroft, B.
Wheeler, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Wrigglesworth, L.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altmann, B.
Altrincham, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Attlee, E.
Balfe, L.
Barran, B.
Bellingham, L.
Benyon, L.

Berridge, B.
Bethell, L.
Black of Brentwood, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Bridgeman, V.
Bridges of Headley, L.
Browne of Belmont, L.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Camrose, V.
Carlile of Berriew, L.
Carrington of Fulham, L.
Cathcart, E.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Colgrain, L.
Cormack, L.
Courtown, E.
Crathorne, L.
Cruddas, L.
Davies of Gower, L.
De Mauley, L.
Dixon-Smith, L.
Dobbs, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Eccles, V.
Empey, L.
Fairfax of Cameron, L.
Fairhead, B.
Fall, B.
Farmer, L.
Faulks, L.
Finkelstein, L.
Fleet, B.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Fraser of Craigmaddie, B.
Frost, L.
Gadhia, L.
Garnier, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Glendonbrook, L.
Godson, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goschen, V.
Greenhalgh, L.
Grimstone of Boscobel, L.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harlech, L.
Harrington of Watford, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Hoey, B.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kamall, L.
Keen of Elie, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Lansley, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Lucas, L.
Mackay of Clashfern, L.
Mancroft, L.
Manzoor, B.
Marland, L.
Marlesford, L.
Maude of Horsham, L.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Mobarik, B.
Mone, B.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrow, L.
Moylan, L.
Moynihan, L.
Naseby, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Popat, L.
Porter of Spalding, L.
Price, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Ribeiro, L.
Risby, L.
Robathan, L.
Rock, B.
Sanderson of Welton, B.
Sandhurst, L.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Sheikh, L.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Spencer of Alresford, L.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathcarron, L.
Strathclyde, L.
Stroud, B.
Sugg, B.
Taylor of Holbeach, L.
Trenchard, V.
True, L.
Tugendhat, L.
Udny-Lister, L.
Vaizey of Didcot, L.
Vere of Norbiton, B.
Verma, B.
Wakeham, L.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Willetts, L.
Williams of Trafford, B.
Wolfson of Aspley Guise, L.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

10.03 pm

Motion A agreed.

Motion B

Moved by ***Lord Kamall***

That this House do not insist on its Amendments 30B and 108B, to which the Commons have disagreed; and do agree with the Commons in their Amendments 30C to 30K in lieu.

30C: Page 197, line 27, after "a" insert "notifiable"

30D: Page 197, line 28, at end insert—

"(2) For the purposes of this paragraph a reconfiguration of NHS services is "notifiable" if it is of a description specified in regulations."

30E: Page 197, leave out lines 29 to 33

30F: Page 198, line 3, after "may" insert ", within the period of 6 months beginning with the date of the direction,"

30G: Page 198, line 17, at end insert—

"(3A) The Secretary of State must, before acting under sub-paragraph (2), give each of the following an opportunity to make representations to the Secretary of State in relation to the proposal—

(a) the NHS commissioning body,

(b) if the NHS commissioning body is an integrated care board, NHS England,

(c) each local authority (within the meaning of section 2B) to whose area the proposed reconfiguration of NHS services relates, and

(d) any other person that the Secretary of State considers appropriate."

30H: Page 198, line 19, after "(2)(a)" insert "together with an explanation of the reasons for taking it"

30I: Page 198, line 20, at end insert "and the reasons"

30J: Page 198, line 20, at end insert—

"(5) The Secretary of State must publish a summary of any representations made under sub-paragraph (3A)."

30K: Page 198, line 34, at end insert—

"(2) The Secretary of State must publish any direction under this paragraph, together with an explanation of the reasons for giving it."

Motion B agreed.

Motion C

Moved by ***Lord Kamall***

That this House do not insist on its Amendment 48B, to which the Commons have disagreed; and do agree with the Commons in their Amendment 48C in lieu.

48C: Page 64, line 38, at end insert the following new Clause—

"Eradicating slavery and human trafficking in supply chains

(1) The National Health Service Act 2006 is amended as follows.

(2) After section 12ZB insert—

"12ZC Eradicating slavery and human trafficking in supply chains

(1) The Secretary of State must by regulations make such provision as the Secretary of State thinks appropriate with a view to eradicating the use in the health service in England of goods or services that are tainted by slavery and human trafficking.

(2) The regulations may, in particular, include—

(a) provision in connection with the processes to be followed by public bodies in the procurement of goods or services for the purposes of the health service in England (including provision as to circumstances in which a supplier is excluded from consideration for the award of a contract);

(b) provision as to steps that must be taken by public bodies for assessing and addressing the risk of slavery and human trafficking taking place in relation to people involved in health service supply chains;

(c) provision as to matters for which provision must be made in contracts for goods or services entered into by public bodies for the purposes of the health service in England.

(3) In this section—

"health service supply chains" means supply chains for providing goods or services for the purposes of the health service in England;

"public body" means a body exercising functions of a public nature;

"slavery and human trafficking" has the meaning given by section 54(12) of the Modern Slavery Act 2015;

"tainted": goods or services are "tainted" by slavery and human trafficking if slavery and human trafficking takes place in relation to anyone involved in the supply chain for providing those goods or services."

(3) In section 272 (orders, regulations, rules and directions), in subsection (6), after paragraph (zze), insert—

"(zzf) regulations under section 12ZC,"."

Motion C agreed.

Motion D

Moved by ***Lord Kamall***

That this House do not insist on Lords Amendment 80 in respect of which the Commons have insisted on their disagreement; do not insist on its disagreement with the Commons in their Amendments 80A to 80N in lieu; and do not insist on its Amendments 80P and 80Q instead of the words so left out of the Bill to which the Commons have disagreed for their Reason 80R.

80R: Because the Lords amendments and the disagreements by the Lords to Commons amendments could affect financial arrangements to be made by the Commons, and the Commons do not offer any further reason, trusting that this Reason may be deemed sufficient.

Lord Kamall (Con): I have already spoken to Motion D. I beg to move.

Motion D1 (as an amendment to Motion D)

Moved by ***Baroness Wheeler***

Leave out from "House" to end and insert "do insist on Lords Amendment 80 in respect of which the Commons have insisted on their disagreement; do insist on its disagreement with the Commons in their Amendments 80A to 80N in lieu; and do not insist on its Amendments 80P and 80Q instead of the words so left out of the Bill to which the Commons have disagreed for their Reason 80R, and do propose Amendments 80S and 80T in lieu—

80S: After Clause 139, insert the following new Clause—

"Cap on care costs for charging purposes

(1) The Secretary of State may by regulations amend the Care Act 2014 as regards how "costs accrued in meeting eligible needs" for the purposes of section 15 of that Act are to be determined.

(2) The regulations must ensure that any costs incurred by any local authority to meet eligible needs are included within that determination.

(3) The regulations may not be made unless—

(a) an evaluation of the results of the Trailblazer pilot schemes has been completed, which takes account of regional eligibility and the effect of the care cap on disabled adults who have or have had eligible needs under the age of 40, and

(b) the Secretary of State has laid that evaluation before Parliament."

80T: Clause 150, page 128, line 20, at end insert—

"(ca) regulations under section (Cap on care costs for charging purposes);""

Baroness Wheeler (Lab): My Lords, time is short. The Minister has once again failed to respond to the evidence and the concerns that have been so forcefully expressed throughout the passage of the Bill. I wish to move Motion D1 and test the opinion of the House.

10.04 pm

Division on Motion D1

Contents 160; Not-Contents 196.

Motion D1 disagreed.

Division No. 10

CONTENTS

Aberdare, L.
Addington, L.
Adebowale, L.
Alderdice, L.
Allan of Hallam, L.
Alton of Liverpool, L.
Anderson of Swansea, L.
Armstrong of Hill Top, B.
Bakewell of Hardington Mandeville, B.
Barker, B.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley, L.
Blake of Leeds, B.
Blunkett, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Boycott, B.
Bradley, L.
Brinton, B.
Brown of Cambridge, B.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bull, B.
Burnett, L.
Burt of Solihull, B.
Campbell of Surbiton, B.
Campbell-Savours, L.
Chakrabarti, B.
Chandos, V.
Chapman of Darlington, B.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Corston, B.

Davies of Brixton, L.
Dholakia, L.
Donaghy, B.
D'Souza, B.
Dubs, L.
Elder, L.
Featherstone, B.
Finlay of Llandaff, B.
Foster of Bath, L.
Fox, L.
German, L.
Glasgow, E.
Goddard of Stockport, L.
Golding, B.
Grender, B.
Grey-Thompson, B.
Grocott, L.
Hacking, L.
Hamwee, B.
Hanworth, V.
Harris of Haringey, L.
Harris of Richmond, B.
Haworth, L.
Hayman of Ullock, B.
Hayman, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Janke, B.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Kennedy of Southwark, L.
Kerr of Kinlochard, L.
Kerslake, L.
Khan of Burnley, L.
Knight of Weymouth, L.
Lawrence of Clarendon, B.
Layard, L.
Lee of Trafford, L.
Liddell of Coatdyke, B.
Lister of Burtersett, B.
Ludford, B.
Mallalieu, B.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
McAvoy, L.
McDonald of Salford, L.
McIntosh of Hudnall, B.
McNally, L.
McNicol of West Kilbride, L.
Meacher, B.
Merron, B.
Miller of Chilthorne Domer, B.
Morgan of Huyton, B.
Murphy of Torfaen, L.
Neuberger, B.
Newby, L.
Northover, B.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Parminter, B.
Pinnock, B.
Ponsonby of Shulbrede, L.
Primarolo, B.
Purvis of Tweed, L.
Ramsay of Cartvale, B.
Ramsbotham, L.
Razzall, L.
Redesdale, L.
Rennard, L.
Roberts of Llandudno, L.
Rooker, L.
Rosser, L.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Smith of Basildon, B.
Smith of Newnham, B.
Stansgate, V.
Stephen, L.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Bolton, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Tunnicliffe, L.
Tyler of Enfield, B.
Verjee, L.
Wallace of Saltaire, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watkins of Tavistock, B.
Watson of Invergowrie, L.
Wheeler, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Wrigglesworth, L.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altrincham, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Balfe, L.
Barran, B.
Benyon, L.
Berridge, B.
Bethell, L.
Black of Brentwood, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Bridgeman, V.
Bridges of Headley, L.
Browne of Belmont, L.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Camrose, V.
Carlile of Berriew, L.
Carrington of Fulham, L.
Cathcart, E.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Colgrain, L.
Cormack, L.
Courtown, E.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Dixon-Smith, L.
Dobbs, L.
Dodds of Duncairn, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Eccles, V.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fairhead, B.
Fall, B.
Farmer, L.
Finkelstein, L.
Fleet, B.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Fraser of Craigmaddie, B.
Frost, L.
Gadhia, L.
Garnier, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Glendonbrook, L.
Godson, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goschen, V.
Greenhalgh, L.
Grimstone of Boscobel, L.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harding of Winscombe, B.
Harlech, L.
Harrington of Watford, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kamall, L.
Keen of Elie, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Lang of Monkton, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Lucas, L.
Mackay of Clashfern, L.
Mancroft, L.
Manzoor, B.
Marlesford, L.
Maude of Horsham, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Mobarik, B.
Mone, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrow, L.
Moylan, L.
Moynihan, L.
Naseby, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Popat, L.
Porter of Spalding, L.
Price, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Ribeiro, L.
Risby, L.
Robathan, L.
Rock, B.
Sanderson of Welton, B.
Sandhurst, L.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Sharpe of Epsom, L.
Sheikh, L.
Sherbourne of Didsbury, L.

Shinkwin, L.
Smith of Hindhead, L.
Spencer of Alresford, L.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathcarron, L.
Strathclyde, L.
Stroud, B.
Sugg, B.
Taylor of Holbeach, L.
Trenchard, V.
True, L.
Tugendhat, L.
Udny-Lister, L.
Vaizey of Didcot, L.
Vere of Norbiton, B.
Verma, B.
Wakeham, L.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Willetts, L.
Williams of Trafford, B.
Wolfson of Aspley Guise, L.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

Motion D agreed.

Police, Crime, Sentencing and Courts Bill

Commons Amendments

10.18 pm

Motion A

Moved by ***Baroness Williams of Trafford***

That this House do not insist on its Amendment 73; do not insist on its disagreement with the Commons in their Amendment 73C to the words restored by their disagreement to Amendment 73; do not insist on its disagreement with the Commons in their Amendment 74A to its Amendment 74, on its Amendment 74B to that Amendment in lieu, or on its consequential Amendments 74C, 74D, 74E, 74F and 74G; do not insist on its Amendment 87, or on its disagreement with the Commons in their Amendments 87A, 87B, 87C, 87D, 87E, 87F and 87H to the words restored to the Bill; and do agree with the Commons in their Amendment 73E in lieu of Lords Amendment 73 and in their Amendment 87K to the words restored by their disagreement with Lords Amendment 87.

73E: Page 48, line 8, at end insert—

"(5) The Secretary of State must, before the end of the period of 2 years beginning with the day on which this section comes into force—

(a) prepare and publish a report on the operation of the amendments to section 12 of the Public Order Act 1986 made by this section, and

(b) lay the report before Parliament."

87K: Page 56, line 32, at end insert—

"(2) The Secretary of State must, before the end of the period of 2 years beginning with the day on which this section comes into force—

(a) prepare and publish a report on the operation of section 14ZA of the Public Order Act 1986, and

(b) lay the report before Parliament."

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, in moving Motion A, and with the leave of the House, I will also speak to Motion B.

We return to familiar ground, namely the powers of the police to attach conditions to a protest, in particular relating to the generation of noise. In our last debate on these issues, we heard quite an entertaining speech from the noble Lord, Lord Coaker, who sought to caricature these provisions, but it would be no laughing matter if a group of protesters camped outside someone's house or place of work and blasted out noise from loudspeakers at all times of the day and night.

By any objective test—under the Bill it is an objective test—the noise generated would amount to intimidation or harassment or cause those in the vicinity to suffer alarm or distress. In such a case the police should now be able to act, and, as the noble Lord, Lord Hogan-Howe, has pointed out, the public would expect them to act. In such a case, the police could place clear and enforceable conditions on the protest, perhaps prohibiting the use of amplification equipment or musical instruments between the hours of 10 pm and 7 am. So I hope we will not hear again the accusation that these provisions are unworkable. They are workable, proportionate and fully justified, albeit that, as I have said before, we expect them to be infrequently used.

On Motion B, I reiterate that the national policing lead for public order, Chief Constable Harrington, has been clear about the challenges of policing demonstrations which can start off as a procession but morph into an assembly, or vice versa. There is now no good reason for treating the two differently in law, and the provisions in Clause 56 should stand. We will of course want to keep the operation of these provisions under review, and Amendments 73E, 80K and 87K put forward by the Commons now enshrine in the Bill a commitment to post-legislative review to be completed within two years of commencement of the relevant clauses.

This is the third time that noble Lords' amendments on these issues have been rejected by the Commons. The Commons has now voted on no less than four occasions during the passage of this Bill to endorse the noise-related provisions in Part 3. This brings me to the broader constitutional issue raised by my noble friend Lord Deben in our last debate.

My noble friend argued that the Government was failing to honour "the deal" between your Lordships' House and the other place. We have honoured that deal and continue to do so. Given that the Commons is the elected House with a democratic mandate, the deal has never been that the other place rolls over whenever this House rejects a particular provision in a Bill. Rather, the deal is that the Commons reflects on the concerns raised by this House and thinks again. Having done so, the Commons may agree the substance of a Lords amendment, may propose a middle way, or may decide, as in this case, that it cannot accept a particular Lords amendment.

In relation to this Bill, there are many examples where the Commons has accepted the letter or the spirit of an amendment put forward by noble Lords, but in relation to the two public order issues, where the two Houses continue to disagree, the Commons has considered and reconsidered the concerns voice by noble Lords but has concluded, as is its right, that the provisions sent to this House last July should stand. The deal is that we, the unelected House, now accept the clearly and repeatedly expressed view of the Commons. We have done our constitutional duty and it is now time to let this Bill pass.

Motion A1 (as an amendment to Motion A)
Moved by ***Lord Coaker***

Leave out from "House" to end and insert "do insist on its Amendment 73; do insist on its disagreement with the Commons in their Amendment 73C to the words restored by their disagreement to Amendment 73; do insist on its disagreement with the Commons in their Amendment 74A to its Amendment 74, on its Amendment 74B to that Amendment in lieu, and on its consequential Amendments 74C, 74D, 74E, 74F and 74G; do insist on its Amendment 87, and on its disagreement with the Commons in their Amendments 87A, 87B, 87C, 87D, 87E, 87F and 87H to the words restored to the Bill; and do disagree with the Commons in their Amendment 73E in lieu of Lords Amendment 73 and in their Amendment 87K to the words restored by their disagreement with Lords Amendment 87."

Lord Coaker (Lab): My Lords, I beg to move the Motion in my name. I will leave the noble Lord, Lord Paddick, to speak to his worthwhile and important amendment and, in view of the time, will concentrate on those in my name, namely A1 and B2. Amendment A1 would remove the noise provision from marches and one-person protests, while Amendment B2 would remove the noise provision from public assemblies. In other words, we have responded to what the Commons has said and narrowed it down to the particular issue of noise.

I am sure that, in her conclusion, the Minister will point to something that I suggest actually shows the importance of standing up against the Commons to get concessions. As a result of us doing that, the Government have made a concession; they tabled Amendment 73E, which was not in the previous concessions that they gave. As a result of us telling the Commons to think again, it did, and has come forward with Amendment 73E.

The same arguments were made to me last time: that we should not be pushing the Commons again, that we should not be standing up to it again, and that we had done our job and had pushed it as far as we could. Yet we pushed one more time and here is Amendment 73E, where the Government have promised a review—Governments always promise a review of one sort or another when they are in trouble. This amendment promises a review after two years to see whether the noise clause in the Bill is actually working or not. There we are—there is a concession. They do not say what will happen if they find it has not worked, why they have decided on two years, or why they did not include a review in two years of whether they should have put it in, but there we go—there is a review.

I say to the Minister that, of course, the elected House has the right to get its own way, but it does not have the right to do so easily without being held to account, without being pushed and without being made to think about what it is doing. I will come to that with respect to noise in a minute. We have narrowed it down; we have listened, but the Minister and others made exactly the same argument to me a few days ago. I resisted that and said we had every right to push the Commons again and, lo and behold, we get a concession. I think that is the House of Lords doing its job; I think that is the Minister doing her job. She will have gone back to the Home Office and said: "He's off again. We've got to offer something. What can we do?"—I am not doing a "Yes Minister" plot here, but they would have done "Yes Minister"-type activity. They will have sat in the office, and somebody will have said, "We can offer a review. Minister, it is always very easy to offer a review, because actually it does not mean very much but it sounds good, and we can add a bit around looking at whether the provision works or not. You do not have say you do or you don't, but actually it is very good because Coaker will have to say, 'Well, thank you very much for offering us a review.'" My important constitutional point is that it was not in there until I said that it was not our constitutional right to defeat or kill the Bill, but it was our constitutional right to say to the Commons, "You have got this completely wrong on noise."

I will not name people here—although one is about—but I have been encouraged by noble Lords on all sides saying: "This is barking mad, but sometimes you have to vote for it because you are whipped to vote for it; but you carry on." And I am going to carry on. I am sure that if people go through *Hansard* when I was a Home Office Minister, they will be able to find things quite as ridiculous as this, but banning something on the grounds that it is too noisy without any idea how you are going to define "too noisy" is, I suggest, ridiculous.

I say as a serious point that the Government have now adapted and adopted all sorts of conditions that they can put on marches but also added those to assemblies. That is a debate that we and the noble Lord, Lord Paddick, have had on a number of occasions, but the Government have extended the power to put conditions on assemblies. We have now accepted that; we have said that that is the Commons having their way and we will accept it. But on the issue of noise, saying that you can ban a demonstration, a protest or an assembly on the grounds that it is too noisy is not only ridiculous but it undermines the right to protest.

I have said numerous times that I do not attack the Government for wanting to ban protests. I do not attack the Government for wanting to end the right to demonstrate. That is nonsensical; I do not believe that. Although not as much as me, I suspect that one or two Members of your Lordships' House opposite have been on demonstrations. I hope they have not been too noisy. I do not know what "too noisy" means, but I just say that that is a problem.

The Minister knows that the police did not actually ask for this. I do not know who did. I do not know how it turned up in the Bill, but it did and there it is: we have noise. You can tell the Government are in trouble. I am not going to go through all the various issues that I raised about the brilliant publicity the Government got as a result of me pointing out certain thresholds that had to be met in order for the noise provisions to be implemented, but I say to noble Lords that they should read the *Police, Crime, Sentencing and Courts Bill 2021: noise-related provisions factsheet.* It is a brilliant piece of government explanation, an exposition on what thresholds have to be met in order

[Lord Coaker]
for noise conditions to be placed on a demonstration by the police. Only a senior officer will be able to determine what "too noisy" is. I forget the rank. I should have written it down. I think it is chief inspector or above. I wonder whether it should be a chief inspector. We have the noble Lord, Lord Paddick, here. Perhaps he could advise us. What is the correct rank for a police officer to work out whether something is too noisy? Goodness me, it is an important decision that impacts on the right to protest. It cannot just be a chief inspector, so a superintendent, maybe. It could even be something just for the chief of police to determine, but who knows?

10.30 pm

The serious point I am making is that, within this, there are thresholds to be made. I am sure every noble Lord has read this; if not, it is available on the GOV.UK Home Office website, which was helpfully updated on 31 March 2022. I thank the Minister for ensuring that we have up-to-date information to inform our deliberations—this is most helpful. It has a number of hypothetical scenarios in which the "too noisy" provisions might apply. For example, it states:

"A noisy protest in a town centre may not meet the threshold".

I am pointing this out again because this is what noble Lords are being asked to vote for. We are being asked to vote to include the "too noisy" provisions. I do not know how many noble Lords live in towns—we have a levelling-up agenda, which is wider than it used to be. If you live in a town, it may not meet the threshold. If you are in a city such as London—the noble Lord, Lord Ahmad, will be pleased to know—you will probably be able to use these provisions, but not in a town. In the town where I live, you will probably not be able to use these provisions. It is most disappointing that the "too noisy" provisions may not be able to be used in the place where I live. I almost want to ask, "Hands up, how many people live in a town?". I am very disappointed by this legislation.

The factsheet also says:

"A noisy protest that only lasts a short amount of time may not meet the threshold".

I tell the noble Lord, Lord Paddick, that the more I think about this, the more it will require a chief officer. A chief inspector will not know what "a short" period of time means. The guidance says that "a short" period

"of time may not meet the threshold, but a protest creating the same amount of noise over several days might".

In fact, I think this is not just a government factsheet but a script for "Yes Minister", which has been leaked to the Home Office and which it has just adopted without reading it.

We then come to the double-glazing threshold. The Minister knows that I have huge regard for her but I would have thought that the Government would have done something about this. I said this last time and I just say it again. The reason I am using humour is that it makes the point. This is a government document; it is about legislation that we are passing. The "too noisy" provision includes:

"A noisy protest outside an office with double glazing may not meet the threshold".

It just speaks for itself. This applies if you are going to have a demonstration, as I have said. Noble Lords are going to vote for a piece of legislation that will require the police to determine how much double glazing there is on a route to decide whether it will be too noisy. Goodness only knows what will happen with triple glazing. I think this needs an inquiry by the Independent Parliamentary Standards Authority to determine the links between the Conservative Party and double-glazing companies. It is a very serious matter that, in a government document, we have what can be described only as incentives for double glazing and noisy protests. I could go on, but I will not—

Noble Lords: More!

Lord Coaker (Lab): No. As an aside, I googled double-gazing companies, just in case the Minister wanted a hand with that. However, I thought that was not taking this, or dealing with this, with the seriousness it needs. I get criticised for using humour but the reason I do so is not to trivialise an important point of principle; all I am doing is saying that I am quoting from a government document on the website, available and updated for the benefit of this deliberation. The Government have got their way on a whole range of different issues; it is the right of the Commons, as the Minister pointed out, to have its way as the elected House. We have an absolute right, though, as the House of Lords, to push right until the last minute on things that are nonsensical. The "too noisy" provision is a nonsense. Protests are about noise.

The police have perfectly adequate powers; they arrest people for making noise, using breaches of the peace and so on. The government document says that the trouble with a breach of the peace is that it does not have very much power, except that the police can arrest you. I would have thought that being able to arrest was adequate. I do not know about other noble Lords but I have never been arrested. I suggest to this House that for the vast majority of people, believing that they were going to be arrested would be a pretty serious threat to them. For the vast majority of people, that would stop them. The Government's document says that it is not an adequate power. My view is that the power of arrest is a pretty important power that the police can use.

The right to protest is a fundamental right of democracy—a fundamental right that all of us, including me, have used—and one that involves making noise. The Government have got their way in respect of place and conditions, not only on processions but on assembly. We pushed back and the Government have now made a further concession to have a review after two years as to whether this "too noisy" provision has worked. It is time for us to push back again and say that the provision is a nonsense; it is ridiculous. It does not work, it will not work and it is not needed. I hope that when it comes to a Division, noble Lords will consider this a step too far in allowing the police to act to control protests, processions and marches. I beg to move.

Lord Paddick (LD): My Lords, for all the reasons explained by the noble Lord, Lord Coaker, we support Motions A1 and B2 on the noise trigger. Specifically, asking the police to anticipate what noise levels a

protest that has yet to take place might result in is likely to bring the police into unnecessary and avoidable conflict with the public, further undermining the trust and confidence that the police rely on to be effective. The more popular the protest, the more likely it is to be noisy and the more likely it is to be banned.

I cannot play the noble Lord, Lord Coaker, at his own game, but he did ask me a specific question about the rank of officer who should be judging whether a protest is too noisy. Perhaps an additional condition should be for that officer to have a hearing test, because we cannot possibly have hearing-impaired senior officers making such important judgments.

On Motions B and B1, we insist on the amendment passed by this House the last time this issue was considered. That amendment allows the police to impose conditions on the start and end time of an assembly, meeting or political rally, in addition to the existing powers they have to set or move where the assembly takes place and to limit the numbers attending and its duration, but not to ban an assembly, meeting or political rally completely. In particular, Article 10 of the European Convention on Human Rights states that everyone has the right to freedom of peaceful assembly and to freedom of association with others.

Of course, it may be necessary, in exceptional circumstances, to place restrictions on this right, and existing legislation and Motion B1 allow that, but when it comes to taking away the right to freedom of peaceful assembly completely, by allowing the police to ban people meeting together, we agree with the then Conservative Home Secretary in the other place when the original legislation was passed that that would be an excessive limit on the right of assembly and freedom of speech. Allowing the police to prevent people peacefully meeting together—to ban political rallies, for example—surely puts us on the slippery slope of the erosion of fundamental human rights and the imposition of a police state. I ask noble Lords to support Motion B1.

Baroness Bennett of Manor Castle (GP): My Lords, I rise briefly to offer the Green group's support for Motions A1 and B1. Another thought the police might have to consider is the historical place: how their judgment might be judged, both at that moment and later in history.

I have on my office wall a cartoon from *Punch* about the suffragettes. It has a whole series of episodes from a Minister's day. It starts with the Minister in his bath. The suffragettes shout "Votes for women" through his window and he jumps up in horror. He then goes on the golf course. The suffragettes leap out of a bunker and shout "Votes for women". He then breathes a sigh of relief when he gets to the House. The suffragettes appear through his window, shouting "Votes for women".

I do not know whether the Minister knows "The March of the Women", one of the suffragettes' anthems. It starts:

> "Shout, shout, up with your song! Cry with the wind for the dawn is breaking … Loud and louder it swells, Thunder of freedom".

Noisy protest has been, and is, a central part of our democracy. It has been a central part of creating our democracy. Protest—having your voice heard—is not and must not be a crime.

Baroness Williams of Trafford (Con): My Lords, I thank noble Lords who have contributed to this short debate. I say from the outset that these provisions do not enable the police to ban noisy protests. They enable the police to attach conditions to a protest in relation to the generation of noise. That is quite an important distinction. Similarly, Clause 56 does not enable the police to ban assemblies. I simply reiterate that these provisions represent a measured and proportionate rebalancing of people's rights to protest peacefully with the rights of those whose lives may be unacceptably disrupted by the tactics employed by the minority of protests—such as those by the group Just Stop Oil, whose members believe that their rights and point of view trump everybody else's.

Setting aside the substance of the amendments, the central issue now before noble Lords is whether it is appropriate to send these amendments back to the Commons for a third time. We have already—quite properly—asked them to reconsider these issues not once but twice. I do not think that asking the same question for a third time will yield a different answer.

On seniority—that is, the rank of a police officer—for an upcoming protest, the chief constable of the relevant force will be responsible for making the decision on whether the threshold is likely to be met. This power can be delegated to an assistant chief constable under Section 15 of the Public Order Act. For a protest that is already in train, the most senior officer at the scene will decide whether the threshold is met; depending on the circumstances, that senior officer would typically be an inspector, chief inspector or superintendent.

With that said, I hope noble Lords will agree to Motions A and B.

Lord Coaker (Lab): My Lords, I wish to test the opinion of the House on Motion A1.

10.43 pm

Division on Motion A1

Contents 133; Not-Contents 180.

Motion A1 disagreed.

Division No. 11

CONTENTS

Aberdare, L.
Addington, L.
Alderdice, L.
Allan of Hallam, L.
Bakewell of Hardington Mandeville, B.
Barker, B.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley, L.
Blake of Leeds, B.
Blunkett, L.
Bonham-Carter of Yarnbury, B.
Boycott, B.
Bradley, L.
Brinton, B.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bull, B.
Burnett, L.
Burt of Solihull, B.
Campbell of Surbiton, B.
Campbell-Savours, L.
Chakrabarti, B.
Chandos, V.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Davies of Brixton, L.
Dholakia, L.
Donaghy, B.
Drake, B.
D'Souza, B.

Dubs, L.
Featherstone, B.
Foster of Bath, L.
Fox of Buckley, B.
Fox, L.
German, L.
Goddard of Stockport, L.
Grantchester, L.
Grender, B.
Grey-Thompson, B.
Hacking, L.
Hamwee, B.
Harris of Haringey, L.
Harris of Richmond, B.
Hayman of Ullock, B.
Healy of Primrose Hill, B.
Hendy, L.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Janke, B.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Kennedy of Southwark, L.
Kerr of Kinlochard, L.
Khan of Burnley, L.
Knight of Weymouth, L.
Lawrence of Clarendon, B.
Lee of Trafford, L.
Lister of Burtersett, B.
Ludford, B.
Mallalieu, B.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
McDonald of Salford, L.
McNally, L.
McNicol of West Kilbride, L.
Merron, B.
Miller of Chilthorne Domer, B.
Neuberger, B.
Newby, L.
Northover, B.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Parminter, B.
Pinnock, B.
Ponsonby of Shulbrede, L.
Primarolo, B.
Purvis of Tweed, L.
Ramsbotham, L.
Razzall, L.
Redesdale, L.
Rennard, L.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Smith of Basildon, B.
Smith of Newnham, B.
Stansgate, V.
Stephen, L.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Tunnicliffe, L.
Tyler of Enfield, B.
Uddin, B.
Wallace of Saltaire, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watson of Invergowrie, L.
Wellington, D.
Wheatcroft, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Wrigglesworth, L.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altrincham, L.
Ashton of Hyde, L.
Austin of Dudley, L.
Barran, B.
Bellingham, L.
Benyon, L.
Bethell, L.
Black of Brentwood, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Bridgeman, V.
Bridges of Headley, L.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Camrose, V.
Carrington of Fulham, L.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Colgrain, L.
Courtown, E.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Dixon-Smith, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Faulks, L.
Finkelstein, L.
Fleet, B.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Fraser of Craigmaddie, B.
Frost, L.
Gadhia, L.
Garnier, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Glendonbrook, L.
Godson, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goschen, V.
Greenhalgh, L.
Grimstone of Boscobel, L.
Hailsham, V.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harding of Winscombe, B.
Harlech, L.
Harrington of Watford, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kamall, L.
Keen of Elie, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Lucas, L.
Mackay of Clashfern, L.
Mancroft, L.
Manzoor, B.
Marland, L.
Maude of Horsham, L.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Mobarik, B.
Mone, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Moylan, L.
Moynihan, L.
Naseby, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Polak, L.
Popat, L.
Porter of Spalding, L.
Ranger, L.
Reay, L.
Redfern, B.
Ribeiro, L.
Risby, L.
Robathan, L.
Rock, B.
Sanderson of Welton, B.
Sandhurst, L.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Selkirk of Douglas, L.
Sharpe of Epsom, L.
Sheikh, L.
Sherbourne of Didsbury, L.
Smith of Hindhead, L.
Spencer of Alresford, L.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathcarron, L.
Strathclyde, L.
Stroud, B.
Sugg, B.
Taylor of Holbeach, L.
Trenchard, V.
True, L.
Tugendhat, L.
Udny-Lister, L.
Vaizey of Didcot, L.
Vere of Norbiton, B.
Verma, B.
Walney, L.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Willetts, L.
Williams of Trafford, B.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

10.55 pm

Motion A agreed.

Motion B

Moved by ***Baroness Williams of Trafford***

That this House do not insist on its Amendment 80, do not insist on its disagreement with the Commons in their Amendments 80A, 80B, 80C, 80D, 80E, 80F and 80H to the words restored to the Bill by their disagreement with that Amendment, do not insist on its Amendment 80J instead of the words left out by that Amendment and do agree with the Commons in their Amendment 80K to the words restored to the Bill by their disagreement with Lords Amendment 80.

80K: Page 49, line 34, at end insert—

"(7) The Secretary of State must, before the end of the period of 2 years beginning with the day on which this section comes into force—

(a) prepare and publish a report on the operation of the amendments to section 14 of the Public Order Act 1986 made by this section, and

(b) lay the report before Parliament."

Baroness Williams of Trafford (Con): I have already spoken to Motion B, so I beg to move.

Motion B1 (as an amendment to Motion B)

Moved by ***Lord Paddick***

Leave out from "House" to end and insert "do insist on its Amendment 80, do insist on its disagreement with the Commons in their Amendments 80A, 80B, 80C, 80D, 80E, 80F and 80H to the words restored to the Bill by their disagreement with that Amendment, do insist on its Amendment 80J instead of the words left out of the Bill by that Amendment and do disagree with the Commons in their Amendment 80K to the words restored to the Bill by their disagreement with Lords Amendment 80."

The Deputy Speaker (Baroness Fookes) (Con): I should inform the House that if Motion B1 is agreed to, I will not be able to call Motion B2 for reasons of pre-emption.

Lord Paddick (LD): I wish to test the opinion of the House.

10.56 pm

Division on Motion B1

Contents 84; Not-Contents 171.

Motion B1 disagreed.

Division No. 12

CONTENTS

Aberdare, L.
Addington, L.
Adonis, L.
Alderdice, L.
Allan of Hallam, L.
Bakewell of Hardington Mandeville, B.
Barker, B.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Bonham-Carter of Yarnbury, B.
Boycott, B.
Brinton, B.
Bruce of Bennachie, L.
Bull, B.
Burnett, L.
Burt of Solihull, B.
Clement-Jones, L.
Corston, B.
Dholakia, L.
D'Souza, B.
Featherstone, B.
Foster of Bath, L.
Fox of Buckley, B.
Fox, L.
German, L.
Goddard of Stockport, L.
Grender, B.
Hamwee, B.
Harris of Richmond, B.
Hendy, L.
Humphreys, B.
Hussain, L.
Hussein-Ece, B.
Janke, B.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Lee of Trafford, L.
Ludford, B.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
McDonald of Salford, L.
McNally, L.
Miller of Chilthorne Domer, B.
Neuberger, B.
Newby, L.
Northover, B.
Oates, L.
O'Loan, B.
Paddick, L.
Palmer of Childs Hill, L.
Parminter, B.
Pinnock, B.
Purvis of Tweed, L.
Razzall, L.
Redesdale, L.
Rennard, L.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Shipley, L.
Smith of Newnham, B.
Stephen, L.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thurso, V.
Tope, L.
Touhig, L.
Tyler of Enfield, B.
Uddin, B.
Wallace of Saltaire, L.
Walmsley, B.
Wheatcroft, B.
Wigley, L.
Willis of Knaresborough, L.

NOT CONTENTS

Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Ashton of Hyde, L.
Austin of Dudley, L.
Barran, B.
Bellingham, L.
Benyon, L.
Bethell, L.
Black of Brentwood, L.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bourne of Aberystwyth, L.
Brabazon of Tara, L.
Bridgeman, V.
Bridges of Headley, L.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Camrose, V.
Carrington of Fulham, L.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Colgrain, L.
Courtown, E.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Dixon-Smith, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fairhead, B.
Faulks, L.
Finkelstein, L.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Fraser of Craigmaddie, B.
Frost, L.
Gadhia, L.
Garnier, L.
Geddes, L.
Gilbert of Panteg, L.
Glendonbrook, L.
Godson, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goschen, V.
Greenhalgh, L.
Grimstone of Boscobel, L.
Hailsham, V.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harding of Winscombe, B.
Harlech, L.
Harrington of Watford, L.
Harris of Peckham, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.

Hodgson of Astley Abbotts, L.
Holmes of Richmond, L.
Hooper, B.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
James of Blackheath, L.
Jopling, L.
Keen of Elie, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Leicester, E.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Lucas, L.
Mackay of Clashfern, L.
Mancroft, L.
Manzoor, B.
Maude of Horsham, L.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Mobarik, B.
Mone, B.
Morgan of Cotes, B.
Moylan, L.
Moynihan, L.
Naseby, L.
Neville-Jones, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Popat, L.
Porter of Spalding, L.
Ranger, L.
Reay, L.
Redfern, B.
Ribeiro, L.
Risby, L.
Robathan, L.
Sanderson of Welton, B.
Sandhurst, L.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Selkirk of Douglas, L.
Sharpe of Epsom, L.
Sheikh, L.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Spencer of Alresford, L.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathcarron, L.
Strathclyde, L.
Stroud, B.
Sugg, B.
Taylor of Holbeach, L.
Trenchard, V.
True, L.
Udny-Lister, L.
Vaizey of Didcot, L.
Vere of Norbiton, B.
Verma, B.
Walney, L.
Wei, L.
Wharton of Yarm, L.
Whitby, L.
Willetts, L.
Williams of Trafford, B.
Wolfson of Aspley Guise, L.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

11.08 pm

Motion B2 (as an amendment to Motion B)

Moved by ***Lord Coaker***

At end insert "and do propose Amendments 80L and 80M to the words so restored, Amendment 80N to Commons Amendment 80A and Amendments 80P, 80Q, 80R, 80S and 80T as consequential amendments—

80L: Page 48, line 14, leave out paragraph (b)

80M: Page 48, line 40, leave out subsection (5)

80N: Leave out subsection (2ZC)

80P: As an amendment to the words so restored, page 49, leave out lines 15 and 16

80Q: As an amendment to the words so restored, page 49, line 19, leave out "an expression mentioned in subsection 11 (a) or (b)" and insert "that expression"

80R: As an amendment to the words so restored, page 49, leave out lines 23 and 24

80S: As an amendment to Commons Amendment 80B, leave out "any of subsections (2ZA) to (2ZC)" and insert "subsection (2ZA) or (2ZB)"

80T: As an amendment to Commons Amendment 80C, leave out "any" and insert "either""

Lord Coaker (Lab): I beg to move.

11.09 pm

Division on Motion B2

Contents 113; Not-Contents 169.

Motion B2 disagreed.

Division No. 13

CONTENTS

Aberdare, L.
Addington, L.
Adonis, L.
Alderdice, L.
Allan of Hallam, L.
Bakewell of Hardington Mandeville, B.
Barker, B.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley, L.
Blake of Leeds, B.
Bonham-Carter of Yarnbury, B.
Bradley, L.
Brinton, B.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Burnett, L.
Burt of Solihull, B.
Campbell-Savours, L.
Chakrabarti, B.
Chandos, V.
Clement-Jones, L.
Coaker, L.
Collins of Highbury, L.
Corston, B.
Devon, E.
Dholakia, L.
Donaghy, B.
Dubs, L.
Featherstone, B.
Foster of Bath, L.
Fox, L.
German, L.
Goddard of Stockport, L.
Grantchester, L.
Grender, B.
Hamwee, B.
Harris of Haringey, L.
Harris of Richmond, B.
Hayman of Ullock, B.
Hendy, L.
Howarth of Newport, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Janke, B.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Kennedy of Southwark, L.
Khan of Burnley, L.
Knight of Weymouth, L.
Lawrence of Clarendon, B.
Lee of Trafford, L.
Lister of Burtersett, B.
Marks of Henley-on-Thames, L.
McNally, L.
McNicol of West Kilbride, L.
Mendelsohn, L.
Merron, B.
Miller of Chilthorne Domer, B.
Newby, L.
Northover, B.
Oates, L.
O'Loan, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Parminter, B.
Pinnock, B.
Ponsonby of Shulbrede, L.
Primarolo, B.
Purvis of Tweed, L.
Razzall, L.
Redesdale, L.
Rennard, L.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Smith of Basildon, B.
Smith of Newnham, B.
Stansgate, V.
Stephen, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornton, B.
Thurso, V.
Tope, L.
Touhig, L.
Tunnicliffe, L.
Tyler of Enfield, B.
Uddin, B.
Wallace of Saltaire, L.
Walmsley, B.
Warwick of Undercliffe, B.

Watson of Invergowrie, L.
Wheatcroft, B.
Whitaker, B.
Whitty, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Young of Old Scone, B.

NOT CONTENTS

Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altrincham, L.
Ashton of Hyde, L.
Austin of Dudley, L.
Barran, B.
Bellingham, L.
Benyon, L.
Bethell, L.
Black of Brentwood, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Brabazon of Tara, L.
Bridgeman, V.
Brownlow of Shurlock Row, L.
Buscombe, B.
Caine, L.
Caithness, E.
Callanan, L.
Camrose, V.
Carrington of Fulham, L.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Colgrain, L.
Courtown, E.
Crathorne, L.
Cruddas, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Dixon-Smith, L.
Duncan of Springbank, L.
Dundee, E.
Eaton, B.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Faulks, L.
Finkelstein, L.
Fleet, B.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Foster of Oxton, B.
Fraser of Craigmaddie, B.
Frost, L.
Gadhia, L.
Garnier, L.
Geddes, L.
Gilbert of Panteg, L.
Glendonbrook, L.
Godson, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goschen, V.
Greenhalgh, L.
Grimstone of Boscobel, L.
Hamilton of Epsom, L.
Hannan of Kingsclere, L.
Harding of Winscombe, B.
Harlech, L.
Harrington of Watford, L.
Harris of Peckham, L.
Haselhurst, L.
Hayward, L.
Henley, L.
Herbert of South Downs, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Holmes of Richmond, L.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kamall, L.
Keen of Elie, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Lamont of Lerwick, L.
Lancaster of Kimbolton, L.
Lang of Monkton, L.
Leicester, E.
Leigh of Hurley, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Lucas, L.
Mackay of Clashfern, L.
Mancroft, L.
Manzoor, B.
Maude of Horsham, L.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
McLoughlin, L.
Mendoza, L.
Meyer, B.
Mobarik, B.
Mone, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Moylan, L.
Moynihan, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
Parkinson of Whitley Bay, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Popat, L.
Porter of Spalding, L.
Ranger, L.
Reay, L.
Redfern, B.
Risby, L.
Robathan, L.
Sanderson of Welton, B.
Sandhurst, L.
Sarfraz, L.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Selkirk of Douglas, L.
Sharpe of Epsom, L.
Sheikh, L.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathcarron, L.
Strathclyde, L.
Stroud, B.
Sugg, B.
Taylor of Holbeach, L.
Trenchard, V.
True, L.
Udny-Lister, L.
Vaizey of Didcot, L.
Vere of Norbiton, B.
Verma, B.
Walney, L.
Wei, L.
Wharton of Yarm, L.
Willetts, L.
Williams of Trafford, B.
Wolfson of Aspley Guise, L.
Wolfson of Tredegar, L.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

Motion B agreed.

Judicial Review and Courts Bill

Returned from the Commons

The Bill was returned from the Commons with reasons and an amendment.

House adjourned at 11.21 pm.

Grand Committee

Tuesday 26 April 2022

Arrangement of Business

Announcement

3.45 pm

The Deputy Chairman of Committees (Lord Haskel) (Lab): My Lords, if there is a Division in the Chamber while we are sitting, the Committee will adjourn as soon as the Division Bells are rung and resume after a few minutes.

Russia (Sanctions) (EU Exit) (Amendment) (No. 7) Regulations 2022

Considered in Grand Committee

3.46 pm

Moved by ***Lord Ahmad of Wimbledon***

That the Grand Committee do consider the Russia (Sanctions) (EU Exit) (Amendment) (No. 7) Regulations 2022.

Relevant documents: Instrument not yet reported by the Joint Committee on Statutory Instruments. 36th Report from the Secondary Legislation Scrutiny Committee

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con): My Lords, I will also speak to the Russia (Sanctions) (EU Exit) (Amendment) (No. 8) Regulations 2022. Copies of both sets of regulations were laid before this House on 30 March and 14 April 2022 respectively. They were laid under the powers provided by the Sanctions and Anti-Money Laundering Act 2018, and came into effect under the "made affirmative" procedure. Together with our wider package of measures, these new powers ratchet up the pressure on Mr Putin, degrading his war machine and further isolating Russia. They target three areas, and I will cover each in turn.

The first area relates to technical assistance in relation to shipping and aviation. Put simply, these new tools stop oligarchs accessing their luxury toys and deprive them of the benefits of the UK's world-leading aviation and maritime industries and engineers. We are targeting not only oligarchs' businesses but their assets and international lifestyles. This new prohibition complements those already imposed on Russia's shipping and aviation sectors. We are continuing to ramp up the pressure, working in tandem with our international partners and supported by commercial decisions taken by key industry players.

Secondly, this new legislation extends the financial, trade and shipping sanctions imposed in relation to Crimea, so that they now cover the non-government-controlled territory in Donetsk and Luhansk. These measures prevent British companies and individuals investing in companies operating in non-government-controlled territory or purchasing land in those regions. They also prohibit the export of infrastructure-related goods and services, as well as the import of any goods originating in non-government-controlled territory.

The extension of these measures will constrain Russia's ability to make these areas economically viable, as the equivalent measures have done in Crimea. These measures will remain in place for as long as needed to ensure that Russia ceases its destabilising activities and withdraws its military from the territory of Ukraine.

The third and final power is that of designation by description. As the Government sharpen their measures against Mr Putin and his regime, this power enables us to designate groups of individuals and entities. The economic crime Act removed some of the constraints on the Government's power to designate by description, offering the Government maximum flexibility in designating persons, such as members of political bodies, as a group rather than individually. This legislation now ensures that this power is available to the Government to deploy in respect of the Russia sanctions regime. This will help us to target our sanctions against members of defined political bodies such as the Russian Duma and Federation Council. This is the first time that a designation by description power has been included in a UK sanctions regime, and it underlines our commitment to exploring all options.

As my noble friend Lord Sharpe committed to in the previous Grand Committee debate on Russia sanctions legislation, we have also corrected errors made in SIs Nos. 3, 5 and 6. Noble Lords will be aware that, given the context of Russia's invasion, legislation has had to be drafted at significant pace. We will continue to deliver further legislation at pace, working to minimise further errors.

The second set of regulations that I shall cover are the trade measures set out in the Russia (Sanctions) (EU Exit) (Amendment) (No. 8) Regulations 2022. These measures are designed to constrain the Russian Government by disrupting the oil industry and other advanced industries that are critical to fuelling the Russian economy and Mr Putin's regime. Through these measures, we have limited access to goods required by the Russian military-industrial complex to maintain and develop its capabilities. In addition, it is vital that we demonstrate to those supporting Russia's behaviour that the United Kingdom recognises the role that they are playing and will hold them to account. That is why, further to our previous sanctions against oligarchs close to Putin, we have introduced a ban on the export of luxury goods. These regulations, developed in close co-ordination with our allies, will cut off Russian access to strategic supplies critical to key exporting markets, including in the energy sector, while increasing the economic pressure on Mr Putin's regime.

Russia's war against Ukraine is a barbaric attack on a sovereign democratic state, a point that we have all emphasised. It is an egregious violation of international law and the UN charter. The United Kingdom and our allies will continue to hold the Russian Government to account, including through sanctions and other economic measures. Those we have already imposed in co-ordination with our partners are having damaging and lasting consequences for Mr Putin's regime. As I speak, 60% of its foreign currency reserves, worth more than £275 billion, are frozen. Our measures cutting off key revenue streams are also working. Russia is struggling to find buyers for its seaborne oil, which is threatening major export revenues.

[Lord Ahmad of Wimbledon]

This debate also follows our announcement last week of fresh sanctions against Mr Putin's war leaders. We have imposed sanctions on key leaders in Russia's army, targeting those commanding the front line to commit these heinous acts. We have also targeted individuals outside Mr Putin's military who are actively supporting his illegal invasion of Ukraine. These include Oleg Belozyorov, the CEO and chairman of Russian Railways, and Ilya Kiva, the defecting and expelled Ukrainian MP, who has publicly supported Russia's actions in Ukraine.

We will continue our co-ordinated action against Russia in partnership with our allies, and encourage more and more countries to join us and act together. Working together, we can have the biggest possible impact on Mr Putin and his regime and, one hopes, end this abhorrent war. I beg to move.

Baroness McIntosh of Pickering (Con): My Lords, I take this opportunity to thank my noble friend for introducing the regulations before us this afternoon, which I wholeheartedly support. I have two points of information that I would like to raise with him at this stage. On the first SI, No. 7, is he prepared to go further than the regulations before us this afternoon? I think that he was one of the Ministers I contacted about six months ago when there was a serious cyberattack on a transport firm in North Yorkshire. I was extremely disappointed at the time, although this is not a personal reflection on my noble friend, that I did not seem able to get any support for the company through normal channels such as Ministers like his good self and my noble friend Lord Grimstone.

I entirely endorse the thinking behind the regulations before us today, that we want to degrade the military effort of the Russians. I have no doubt whatever that these successful cyberattacks by a rogue state that is generally understood, in this case, to be Russia, have targeted a number of transport and infrastructure companies. Prior to that, they targeted a number of clothing companies. The one that is, perhaps, most significant, and is in the public domain, is FatFace, which I understand had to pay something like £1 million in ransom. I find it unacceptable that companies should be told that, at the moment, we do not have any means of counteracting these cyberattacks by hostile states such as Russia. I would like to understand where we are with this; if not today, because I have not given my noble friend any advance warning, I would welcome a written undertaking that could be shared by those contributing to the Committee this afternoon.

It is unacceptable that Russia has been able to fund its military aggression in Ukraine, and potentially also against countries such as Finland and Sweden, which are not part NATO, should they wish to apply to NATO. My reading of the situation is that the crime that Ukraine committed in the eyes of Russia and President Putin was in its wish to join the European Union and become a member of NATO. I declare an interest in Scandinavia, being half-Danish. If the Russian aggression goes as far as the Finnish border—which is huge, about 1,000 miles—if they were to be successful in Ukraine, and then had a full-frontal attack on either Finland or Sweden, that would be a very precarious position for the United Kingdom and our partners, and erstwhile previous allies in the European Union. That is in connection with SI No. 7. Can my noble friend update us on where we are in response to cyberattacks and in thwarting any attempt by a hostile state, such as Russia, to raise funds in that regard?

More briefly, on No. 8, I declare an interest in that I drive a diesel vehicle, which are heavily relied on in rural areas. In north Yorkshire and the north of England generally, diesel vehicles are vehicles of choice, particularly in inclement weather. We are not out of the woods yet; we may have a snowfall yet before spring is over. So, in bad weather—and also as a vehicle of choice for farming and off-road—we rely on diesel vehicles. I would like to understand the implications of targeting the fuel industry, to which my noble friend referred. I had no idea how dependent we are on Russia for our resources of diesel oil. I would like to understand what the alternative sources will be, and whether this will contribute to the ever-rising cost of diesel fuel.

I am grateful for the opportunity to raise my concerns, and I do support the regulations before us this afternoon.

Lord Purvis of Tweed (LD): My Lords, as always it is a pleasure to follow the noble Baroness and the very valid points that she raises. As someone who lives in and represented a rural area, I know that she speaks with great authority. We support these measures and, indeed, since we last debated, we have seen the continuing, grotesque practices of the Putin regime. It is now clearly in a strategic phase of seeking to demolish whole areas of Ukraine and make it virtually uninhabitable for the people. This is closer to what the President of the United States described as genocide. While I know that that has been debated frequently in this House in other contexts, it is starting to look increasingly like this is the practice of Putin. It reinforces the need for the urgent capture of evidence of the war crimes that he is permitting.

We also support the other measures and their corrections. I understand when the Minister says that they were moved at pace—but while they have been put forward at pace and we support them, there are certain elements where we have been behind our allies in these measures. On the Liberal Democrat Benches and on the Labour Benches, we have called for action to be stronger and sooner.

4 pm

I was looking at the elements in the new measures on trade to prohibit the export, supply and delivery of quantum computing and materials-related goods and technology; making available and the transfer of oil-refining goods and technology; the export, supply and delivery and transfer of luxury goods; and the import, acquisition, supply and delivery of certain iron and steel products. In all those four categories, we have been behind our allies, who have moved much faster on them. While I welcome that we now have those mechanisms in place, it has been regrettable that trade has been able to be carried out from the UK when it had been prevented from some of our allies.

It is worth putting on record that I am grateful for the Government for the impact assessment that they have done on the trade elements, because that has

potentially significant consequences for the United Kingdom. The Government's best estimate is that the total cost is nearly £5.9 billion of luxury goods, so these are significant trading relationships. They are part of where we are, which is, in effect, in hybrid warfare. It is regrettable that we need to be in that place, but we are engaged in a degree of 21st-century warfare with Russia. Indeed, the Government's own impact assessment says that the policy objective is for coercion of Russia

"by targeting longer-term economic interests".

In effect, this is part of carrying out war.

There are some potential gaps on which I would like the Minister to respond, however. Of the 35 people named by Alexei Navalny, seven are yet to be sanctioned by the United Kingdom, 50 days on from the invasion. That is one in five. Mikhail Murashko, Dmitry Ivanov, Alexander Kalashnikov, Elena Morozova, Denis Popov, Igov Yanchuk and Ella Pamfilova have not been sanctioned by the UK, as I understand it. I would be grateful if the Minister could clarify the intentions with regard to those named by Alexei Navalny. I know that the Minister will say that he will not comment on individuals and the likelihood is that they will be individually sanctioned, but there are still some grey areas as to when the Government choose to sanction individuals and when not. I would like greater clarity on that.

Other oligarchs with significant interests in London have also remained free from sanctions, including the owner of a £50.5 million Grosvenor Square residence, described as Londongrad's most fashionable residence. It is not the case that oligarchs have no place to hide, as the Foreign Secretary says. Regrettably, some still hide in plain sight with their properties in the United Kingdom. That is why it is even more important that the UK publishes in full its review on golden visas, commissioned over four years ago. We have been the oligarchs' playground for too long now, and it is necessary to publish the review in full and for there to be total transparency. I hope that the Minister will outline when we will have the full information about the golden visas provided to those whom we now seek to sanction and whose trade we seek to restrict. Given that many of those have been operating in these areas of the general description of the sanctions, that is even more important.

I have two final points. The Minister has been aware of my call for the UK to go beyond the sanctions regime and use terrorism legislation to target those groups being used by the Kremlin, not only within the conflict in and illegal attacks on Ukraine but elsewhere, to deploy its destabilising impact in Chad, Mali, the Central African Republic, Sudan and elsewhere. The Wagner Group is, in effect, an arm of the Putin regime. It is carrying out what we would consider in other situations terrorist activities. Most worryingly, it is also operating with certain government and non-government actors. The proscription of the Wagner Group and those linked with it would not only send a signal from the UK but mean that our sanctions regime had teeth, because we would be proscribing the organisations that are working hard at the moment to circumvent that regime. This needs to be a higher crime.

Secretary-General Guterres has had what he described as frank discussions with Foreign Minister Lavrov. I hope that the Secretary-General will have some platform to provide for further talks. That opportunity may seem slim, but we have to continue to support there being a resolution. We support, obviously, the military and intelligence of President Zelensky and his Government but also the good offices of the United Nations. It is time to question why the Russian ambassador is in post here. It is time to take reciprocal action, as others are doing, against Russian representatives when they fail to act appropriately with our diplomats.

My very final comment is that there are worrying signs in the breakaway Moldovan area of Transnistria, which could be other red-flag activities. While I support the UN and the efforts for discussion and dialogue, it is worrying that Putin is seeking to use the same tactics that there were at the start of this campaign against Ukraine and elsewhere. It means these efforts and this cross-party working needs to be strong within the United Kingdom to ensure that there is no impunity for any of these actions.

Lord Collins of Highbury (Lab): My Lords, I thank the Minister for his introduction. As he said, as Putin continues his illegal war the tragic consequences for Ukraine and its people are mounting. From the beginning, we have fully supported the Government in their efforts to hold those responsible to account, and we will continue to do so by welcoming the new measures being debated today.

Over two months have now passed since the full invasion began and while today's seventh and eighth packages are a step in the right direction it is vital, as the noble Lord, Lord Purvis, said, that the Government now lead the way in moving faster and harder on economic and diplomatic sanctions. In doing so, however, they should also reflect on and monitor the effectiveness of those which have already been implemented. I hope the Minister can explain how the department is analysing the effect of sanctions brought forward since the invasion. Is he able to share any data on this with the Committee?

The Government have previously estimated that the value of sanctioned assets is around 60% of Russia's foreign currency reserves. I hope the Minister can explain to the Committee exactly what steps the department is taking to monitor this. Is that information being calculated and shared with our allies?

I turn to the specific sanctions before the Committee. The No. 7 regulations extend existing sanctions on Crimea to the area of the Donbass. I am pleased that the Government are taking action to prevent occupied territories becoming economic enablers for the invasion. However, given that Putin recognised the illegal regimes in these areas many months ago, I hope the Minister can explain the delay in the introduction of the sanctions. As he told us, as part of the No. 7 regulations, the Government are extending them to shipping. But the Minister in the other place, James Cleverly, was unable to confirm whether this means that all state shipping companies, as well as Russian-flagged vessels, are now sanctioned. I hope the noble Lord can clarify that this afternoon.

[Lord Collins of Highbury]

I am pleased that the Government are introducing the No. 8 sanctions, which focus on a variety of goods, as he indicated, including luxury items and technology as well as iron and steel products. However, questions remain over the time it has taken to close these loopholes. In addition, the Explanatory Memorandum notes that these sanctions are also intended to correct a series of defects, as the noble Lord, Lord Purvis, indicated. I hope the Minister can expand on the effect of the defects and on what impact they may have had.

As the Minister said, it is important that we explore all options. It would be good if we could hear from him exactly how we can act against those who act as proxies for individuals and organisations in order for them to bypass sanctions. The US has implemented such laws and it would be good to see how they will be impacted. Enforcement is crucial to making sanctions work, and the Minister has repeatedly said that this means acting in concert with our allies, but it is also about ensuring that we have sufficient resources to do the job that Parliament asked the Government to undertake. James Cleverly said yesterday that increasing staffing levels in this area is not easy, but he assured my honourable friend Stephen Doughty that Ministers have tripled the number of people working in enforcement at the FCDO since January. I hope the noble Lord can tell us what tripling means. What are the precise numbers involved? The drafting and development of the sanctions packages are separate from the Office of Financial Sanctions Implementation and other bodies involved in enforcement. I hope the noble Lord can tell us this afternoon that resourcing has gone up in both the development of policy and the enforcement bodies.

The Minister previously assured us about the application of sanctions in the UK's overseas territories and Crown dependencies. Can he tell us what discussions the Government have had with them to ensure the effective enforcement of sanctions across all jurisdictions? He and the Government will continue to have the support of these Benches in bringing forward sanctions and new designations, but I hope that further steps will be taken in the next Session to reflect the immense bravery shown by the people and political leaders of Ukraine.

I hope the Minister will not mind me, like the noble Lord, Lord Purvis, seeking an update on a number of other issues not strictly related to sanctions. One is the humanitarian support that we give. The Government have admitted that only one-third of the £220 million pledged had been delivered by 1 April. Will the Minister explain the barriers to the full amount of promised humanitarian aid being delivered? Will he tell us a bit more about what we are doing to support Ukraine's neighbours in dealing with the influx of arrivals fleeing the war? I know that the Minister has been focused on the Preventing Sexual Violence in Conflict Initiative and that we have a ministerial conference coming up. One of the most horrendous pieces of evidence we have seen has been the use of rape as a weapon of war in Ukraine. Will he update us on what support we are able to give not only in gathering the evidence of such crimes against humanity but in supporting the victims of such shocking crimes?

4.15 pm

I also hope that the Minister can tell us a bit more about what we are doing to help clear landmines and unexploded ordnance. In particular, why are the Government cutting support to NGOs which provide that essential humanitarian support?

Finally, as we have asked on previous occasions, the Government are supporting the ICC investigation into war crimes, so can the Minister update us a bit more on what support that is delivering and whether he thinks we have explored all possible means to ensure that those who commit these crimes are held fully to account?

Lord Ahmad of Wimbledon (Con): My Lords, I first express my gratitude to all three noble Lords who have spoken—my noble friend Lady McIntosh and the noble Lords, Lord Purvis and Lord Collins, on behalf of the Opposition and the Liberal Democrats—for their strong and solid support of the Government's approach to sanctions. I must admit, when I was given the responsibility of Sanctions Minister, I did not imagine the number of sanctions we would issue in this respect, but that shows the nature of the crisis. I am grateful for noble Lords' support for the various steps we have taken.

I will first address some of the specific questions that have arisen. On timing, we are working at pace, as I am sure the noble Lords, Lord Purvis and Lord Collins, who raised this issue, accept. At the same time, I appreciate noble Lords' support for the amendments and changes we have had to make to the governance structures to allow urgent procedures to be implemented for sanctions. That has certainly helped us move far more quickly and allowed the sanctions to be imposed in the quickest manner possible and, as the noble Lord, Lord Purvis, suggested, in a complementary fashion to those of the partners we are working with, notably the United States and the European Union.

While I will not go into how many sanctions the EU has vis-à-vis the US, ourselves or other partners, I assure both noble Lords that we are working very much in tandem and consolidating with our partners to ensure that we continue to sanction individuals. As an aside, to draw a comparison with a separate issue within the Balkans, we recently sanctioned Minister Dodik, a Serbian member of the tripartite presidency. I assure noble Lords that the teams are working at pace and we are ensuring that we keep a specific eye on the wider impacts of the invasion of Ukraine. I will continue to update noble Lords as far as possible in advance of the measures we are taking, as I have done previously. I am grateful to both noble Lords for their co-operation in this respect. The noble Lord, Lord Purvis, mentioned specific names. While he is quite right that I cannot comment specifically, for obvious reasons, nothing and no individual is off the table in the actions we will take and have already taken quite directly.

My noble friend rightly raised cyberattacks, cybersecurity and the challenges they pose. First and foremost, the minds of Her Majesty's Government are very much alive to cyber, but not just based on what is happening today in Ukraine. We have been monitoring it very closely, not just enhancing our security and capabilities but ensuring that we are fully prepared to deal with cyberattacks. They have increased, and there

are a number of actors who commit them. We have increasingly called them out over the last few years, repeatedly in partnership and association with our key partners.

I ask the noble Baroness to write to me reminding me of the details of the particular case that she raised, and I apologise on behalf of whichever part of government that response should have come from. Equally, I reassure her that we are taking specific actions and measures, defensively and in tandem with our partners, to identify and call out cyberattacks. All I will say at this stage about our cyber capabilities is that I have seen the National Cyber Security Centre and it is very much state of the art. As I say, I will take up my noble friend's offer and ask her to write to me with further details specific to her question.

My noble friend also talked about the rising cost of diesel fuel, the measures that we have taken and what they mean for the UK economy and for consumers specifically. Any measures that we take have an impact. This does not relate to energy specifically, but there is an exemption for food exports, for example. However, Russia is choosing not to use that provision and export. The narrative that is then built, of course, is that it is the sanctions that are causing the food security issues. This was directly on people's minds on a recent visit to north Africa, Egypt in particular.

All the sanctions that we are undertaking will have a cost, but we carry out detailed impact assessments before any measure is taken. Has there been a rise in fuel costs at the pumps? Of course there has. It is a global response to the challenge we are facing. However, the UK has been on the front foot in looking at our own energy security and energy supply and how we can adopt more sustainable measures. On the specific sanctions that we have imposed on this occasion, I direct my noble friend to the impact assessment, but if there are any more specific details I will include them in the letter that I will write to her.

The noble Lord, Lord Collins, rightly asked whether the sanctions were having any impact on Russia. The short answer is that they are. Sanctions imposed by the UK and its international partners are having quite damaging consequences for Russia and its ability to wage war. As an example, £275 billion of Russia's foreign currency reserves—60%—is currently frozen. Russian seaborne oil is struggling to find buyers, which is threatening the stability of its export revenues. Sanctions have also hastened an interesting element: a Russian brain drain. A Russian IT association estimates that 50,000 to 70,000 computer specialists have already left the country, with another 100,000 personnel expected to leave in April despite travel restrictions. Estimates for Russia's GDP growth in 2022 now range from minus 8.5% to minus 15%. I hope that information helps to answer the noble Lord's question about whether these sanctions have an impact. Yes they do, and he and I share the same thought: that they are having a particular impact because we are bringing them in conjunction with our key partners and allies.

The other question was whether these sanctions were having an impact on the ground, particularly in Russian minds. It is important to demonstrate to those supporting Russia's behaviour that the UK recognises the role they are playing, and since the start of the war they have seen how we have increased the pressure not just on those who are directly involved with the Ukrainian invasion but on Russian institutions and Russian individuals. That is clearly understood, and by targeting Mr Putin's closest allies we are isolating them on the world stage, thereby impacting their ability to influence decision-making.

The noble Lord, Lord Purvis, talked of the visit today of Secretary-General Guterres, whom I have met directly on a couple of occasions specific to this crisis. During my last visit to the UN Security Council two weeks ago I met Rosemary DiCarlo, the Under-Secretary-General for Political Affairs. I emphasised that of course it is important to reach a peaceful negotiation; the impediment was Russia's lack of direct engagement with the Secretary-General. We saw that again in the press conference, with Mr Lavrov attempting to change the narrative, but from what I saw today the Secretary-General sought to correct that narrative quite directly at the press conference. It is also important to see that engagement that would take place with President Zelensky in Kyiv. I have also been directly stressing the point that we are a P5 member, as is France, and it is important that the Secretary-General ensures that appropriate briefings are arranged with partners, including the US as another P5 member, and Brussels itself with our EU partners. I will update noble Lords in that respect.

The noble Lord, Lord Collins, raised the issue of the support that we are extending to the International Criminal Court. We have already allocated £1 million directly to the prosecutor, and we have extended support through technology and people; we have appointed Sir Howard Morrison directly to support the prosecutor in Ukraine. I was in Germany recently; our German friends have also now allocated €1 million to the prosecutor's office, and we are working closely with the ICC to establish exactly what the requirements are. As this support increases, I will continue to update noble Lords.

There is an important lesson here as well. The Ukrainian crisis has shown how we have come together. The ability to stand up this investigation very early on has resulted in support directly for the prosecutor's role rather than after the event. During a live crisis we are already into the area of collecting evidence and ensuring that it can be sustained and presented to The Hague and to the prosecutor's office at the earliest time.

I will share another element with noble Lords. We are working closely with key neighbouring partners; for example, I visited Poland recently, as did colleagues including the Foreign Secretary. We are co-ordinating very much the same approach in a structured form of working together to provide any information we can to the prosecutor's role.

The noble Lord, Lord Collins, raised the issue of humanitarian support. We have allocated £220 million and have already distributed well over half of that directly to agencies on the ground. He talked of early April. I am in the midst of completing and signing off on an updated WMS which I and the Foreign Secretary are finalising, and we hope to share the detail of that very soon. However, we are working hand in glove with the Ukrainian Government. Noble Lords will know that they have appointed a particular humanitarian

[Lord Ahmad of Wimbledon]
co-ordinator, and the humanitarian envoy Nick Dyer recently met the Ukrainian lead and co-ordinator during his visit to Lviv in Ukraine.

On genocide, an issue mentioned by the noble Lord, Lord Purvis, we need to take encouragement. The Government's position does not change—that it is for a court to make that adjudication. However, the fact that the prosecutor has engaged early sets the tone for what may or may not emerge from that.

The noble Lord, Lord Collins, rightly talked about the absolutely abhorrent nature of rape and sexual violence being used as a weapon of war and asked specifically about some of the measures we have taken. I can share a very live issue with noble Lords. After the event that I chaired at the UN Security Council, where we were honoured to have the absolutely courageous and exemplary Nadia Murad give evidence to us as a briefer, we launched the Murad code, which allows for a structured way of collecting evidence of sexual violence, rape and other such crimes to ensure that it meets the threshold for a successful prosecution. Too often, tragically, victims of sexual violence have to give repeated testimonies, which itself dilutes their ability to reach a successful prosecution. We have not only launched the Murad code; over the last two weeks we have specifically developed and yesterday completed its Ukrainian translation, and we are working with other authorities to see how quickly we can make that available to every person crossing the border. For example, we used a QR code to talk through the detail of some of our schemes, and I have directed officials to look at whether we can use that same QR code to share information on the Murad code directly, particularly with women crossing the border from Ukraine.

4.30 pm

The noble Lord, Lord Purvis, also asked about individuals and about Alexei Navalny. We are following this very closely. As I said, I cannot comment on specific designations going forward, but we are looking at all individuals and indeed the particular group—the Wagner Group—which was designated on 24 March. We also took action against specific individuals within the Wagner Group. We will continue to develop further ways and measures to respond to Mr Putin's war on Ukraine.

The issue of the review of golden visas is of course led by the Home Office, but I have noted this. The noble Lord has raised this issue repeatedly and I can say is that it is looking to publish on that in due course, and I will follow up to see if I can get further details. Of course, when we impose sanctions, a visa—whatever its nature, golden, silver or bronze—is impacted quite directly. The ability to travel and assets associated with that individual are directly impacted.

The noble Lord, Lord Purvis, also talked about the use of terrorist legislation on groups that are identifiable. I have already talked about the particular group he mentioned. However, as I said, the Government are working across all departments to ensure that any levers available to us can be exercised in a manner that most quickly and effectively holds those individuals or organisations supporting Mr Putin's illegal war in Ukraine to account.

The noble Lord, Lord Collins, also talked about landmines and support there. I can assure him, because we are working very closely with the Ukrainian Government and are in contact at the highest level, including through my right honourable friend talking directly with President Zelensky, that any requirements they have—technical, financial, military, humanitarian support—are met directly. That includes anything required for the clearance of landmines; we extend full support in that regard as well.

The noble Lord also talked about measures relating to transport, specifically Russian-flagged vessels. If I may I will write on the detail of that. On the staffing issue, I say yes, we have trebled it, and I can share figures with him in writing. In terms of increasing numbers, we are also deploying experts. In light of recent developments in Ukraine, he also asked about enforcement. The number of people working in the OFSI to ensure effective implementation has been increasing. My right honourable friend the Chancellor has also said, quite specifically, that we will continue recruiting in this respect, because it is a major area of our work at the current time. The numbers are evolving but increasing. Of course, the specialists that we are trying to deploy are across the piece so, if we need legal experts, we may need to second more people into the team. I assure all noble Lords that the issue of sanctions, and particularly of sanctions when it comes to Russia, is a priority. We will continue to resource all levels of both application and enforcement in the most effective manner we can.

I trust I have covered the questions raised.

Lord Collins of Highbury (Lab): Overseas territories?

Lord Ahmad of Wimbledon (Con): Sorry. Yes, we are working very closely with overseas territories. All the measures are applied quite directly through orders in council, apart from in two overseas territories that legislate directly for themselves. I believe that is Gibraltar and Bermuda, but they are working very closely to the same effect. Our teams and our overseas territories team are working very closely with the OTs on specific applications. Again, if I may, specifically on the application of these sanctions and the result or reports received from the OTs, I will share that with the noble Lord in writing.

I trust I have answered all the questions asked. I will of course write where appropriate. I thank noble Lords once again for their specific questions and, most importantly, for the strong support that we continue to see on the important issue of Russian sanctions. I commend these regulations to the Committee.

Motion agreed.

Russia (Sanctions) (EU Exit) (Amendment) (No. 8) Regulations 2022

Considered in Grand Committee

4.35 pm

Moved by ***Lord Ahmad of Wimbledon***

That the Grand Committee do consider the Russia (Sanctions) (EU Exit) (Amendment) (No. 8) Regulations 2022.

Relevant documents: Instrument not yet reported by the Joint Committee on Statutory Instruments

Motion agreed.

Zimbabwe: Elections

Question for Short Debate

4.36 pm

Asked by ***Lord Oates***

To ask Her Majesty's Government what assessment they have made of reports of (1) state sanctioned political violence, (2) voter roll irregularities, and (3) the intimidation of voters, ahead of the 26 March parliamentary and local by-elections in Zimbabwe.

Lord Oates (LD): My Lords, I initiate this debate on the recent by-elections acutely aware that Britain's history in Zimbabwe, from the first days of Cecil Rhodes' chartered company to the last days of Ian Smith's white supremacist regime, is a deeply troubled one. Throughout that time, political dissent was violently supressed, political leaders were imprisoned, tortured and murdered and elections of any sort, let alone free and fair elections, were denied to the majority of the people of Zimbabwe.

Given that history, for most of the years since I taught in a secondary school in rural Zimbabwe in 1988 I have been reticent about public criticism of the Zimbabwe Government. I saw in the early years of Zimbabwe's independence how apartheid South Africa sought to destabilise and undermine it. I witnessed the heroic efforts by the people and Government of Zimbabwe to build a better future for the country, opening schools and clinics and seeking reconciliation with their previous oppressors, and I experienced amazing kindness and friendship from the rural community in which I lived and worked in eastern Zimbabwe which, just a few years previously, had had to bear the vicious onslaught of the Rhodesian security forces.

I come to this debate bearing all those things in mind and recognising fully that it is for Zimbabweans to decide how they wish to constitute their democracy and who they wish to govern them. That is not the business of anyone else, least of all the former colonial power. Nevertheless, we can and should support Zimbabweans in the choice they collectively made in March 2013 when, following an outreach programme across Zimbabwe, a new constitution was drafted by the then Government of National Unity and put to the people in a nationwide referendum. Over 94% of voters backed the constitution, providing absolute clarity about how the Zimbabwean people wish to be governed and how they expect elections to be conducted. Sadly, since its adoption, that constitution has mostly been honoured in the breach.

A military coup in 2017 was followed by flawed elections in 2018 and subsequently a wholesale attempt to destroy the main opposition party, which ultimately culminated in the parliamentary and local by-elections which took place across Zimbabwe on 26 March this year. In those elections, the main opposition party was denied the right even to use its own name in these elections or to access the public funds it was entitled to. In response its leader, advocate Nelson Chamisa, announced the formation of a new political movement called the Citizens Coalition for Change, or CCC. That party won 19 of the 28 parliamentary seats up for election and hundreds of councillors, despite its formation just two months before the polls, its lack of funds, and widespread intimidation and obstruction of its campaign by the state. By contrast, ZANU-PF's puppet opposition faction, which had been gifted approximately $1.5 million in campaign funds by the state, won precisely none.

Nevertheless, despite the relative success of the Opposition, the provisions of the 2013 constitution were serially violated throughout the elections, raising grave concerns about the conduct of next year's general election. State media outlets were brazenly used to denigrate opposition candidates in contravention of Section 61 of the Zimbabwe constitution requiring such outlets to "be impartial" and to

"afford fair opportunity for the presentation of divergent views and dissenting opinions."

The Zimbabwe Electoral Commission failed in its duty to provide for the

"proper custody and maintenance of voters' rolls"

or to ensure that elections were conducted

"efficiently, freely, fairly and transparently and in accordance with the law",

as required by Section 239 of the constitution.

Multiple irregularities in the voters' rolls were documented by civil society organisations, including: changes to addresses and voters deleted from the rolls without ZEC giving notice of such changes, in contravention of the Electoral Act; changes made to 156 polling stations, without informing voters; and voters transferred to other wards or constituencies despite their addresses remaining the same, implying that boundaries had been altered without due process and contrary to law.

The security situation was extremely troubled throughout the campaign. Throughout the election, the Zimbabwe Republic Police did ZANU-PF's bidding and in doing so violated multiple clauses of the 2013 constitution, including Section 50 on the rights of arrested and detained persons, Section 53 on freedom from torture or degrading treatment or punishment and Section 58 on freedom of assembly and association. Police repeatedly obstructed the opposition leader's rallies. On 20 February, they mounted roadblocks to harass and intimidate supporters attempting to reach the CCC's rally in Harare. On 12 March they banned the CCC's rally in Marondera and deployed riot police and water cannons to prevent the event taking place. On 24 March, they banned a final campaign rally at Epworth citing lack of manpower. Needless to say, no ZANU-PF rallies were banned. On the contrary, public resources were frequently misused to support ZANU-PF. In contravention of the constitution, public and school buses were regularly commandeered to transport party supporters, and schoolchildren were forced to attend rallies during school time.

Widespread violence and intimidation against opposition campaigners was perpetrated by ZANU-PF supporters across the country, violating Section 67 of the constitution guaranteeing the right to campaign freely and peacefully for a political party or cause. For

[Lord Oates]
example: on 2 March a CCC member was severely assaulted in Marondera after putting up opposition campaign posters; on 3 March the home of former MDC Finance Minister, Tendai Biti was attacked by men armed with machetes and his security guard was seriously injured; on 5 March the house of an opposition council candidate was set on fire in Bindura after he had hosted an opposition meeting at the house earlier that day; and on 8 March, Maxwell Dutuma, an opposition council candidate, and a party colleague were attacked by ZANU-PF supporters in Highfields. Both were injured, his colleague very seriously. When Maxwell Dutuma reported the assault to police he was arrested. Most egregiously, on Saturday 26 February, Vice-President Chiwenga openly incited violence against the opposition at a rally in Kwekwe saying:

"You see how we crush lice with a stone. You put it on a flat stone and then flatten it to the extent that even flies will not make a meal out of it. That is what we are going to do to CCC."

ZANU-PF thugs understood that message only too well and the following day attacked an opposition rally in the same city with iron bars and machetes. An opposition supporter was killed, and many others were seriously injured.

These are just a few examples of the numerous incidences of intimidation, violence, voter roll irregularities and serial violations of the law and the constitution that took place during the election campaign. I put them on the record here so that there is an understanding of the level and extent to which the constitutional rights of Zimbabweans were violated by their own Government and in the hope that, ahead of the 2023 general elections, the international community and, most particularly, countries in the region will engage with Zimbabwe's Government to persuade them to uphold the constitution and the right of the people to freely choose their leaders.

However, the UK's strategy in the region must be about much more than criticism of a particular Government or their actions. It must be born of a real desire to engage positively with people—particularly young people—business and SADC Governments on a shared approach to tackling the challenges they face and supporting economic development in a way that lifts the poor rather than simply further enriches the wealthy. That means a real commitment from our Government to meaningfully engage and a real understanding of how our disengagement to date has left a gap which is rapidly being filled by both China and Russia.

Finally, we must have some self-awareness about the ramifications of actions at home on our ability to argue for values abroad. Last night, for example, we in the House of Lords debated the Government's attempts to strip our own Electoral Commission of its independence by giving Ministers the right to issue it directions. What signal do we think that sends to would-be autocrats around the world seeking to suborn their own electoral commissions? What signal do we think it sent to people in the Southern African Development Community region when, immediately following free elections in Zambia and a peaceful transfer of power, we slashed our development assistance to that country by over 50%? What lessons do we think SADC Governments took from our hoarding of vaccines as China supplied theirs, or from our continued blocking of the TRIPS waiver? Words matter, but actions matter even more.

I finish where I started: with an acknowledgement of Britain's deeply troubled legacy in Zimbabwe and a reflection on the tragedy that today ZANU-PF is using the same tactics and institutions, and in some cases the very same laws, that were employed by Ian Smith's regime. It is doing so to serve the very same purpose—to oppress and silence the people so that, unhindered, it can use the wealth of the country for itself. Zimbabwe is fortunate, however, that its people have never been prepared to bow down to oppression and that—although bruised and battered by misuse—its hard-won democracy, underpinned by the courage and sacrifice of its democratic activists, still offers the best opportunity for change and renewal and a better life for all. I beg to move.

4.48 pm

The Earl of Sandwich (CB): My Lords, the noble Lord, Lord Oates, deserves all our warm congratulations, not just on this debate but on keeping Zimbabwe on our agenda, considering its past and continuing connections with this country. Nelson Chamisa also deserves our admiration for winning seats for the CCC despite appalling conditions: rallies and meetings were disrupted, with one person killed and 22 wounded in one incident. The Zimbabwe Electoral Commission also presided over and apparently condoned many irregularities.

During the last few weeks of dramatic news from Ukraine, many other dramas went unnoticed and yet have no less importance. Zimbabwe rarely comes up on our TV screens, yet violence and human rights violations occur regularly, especially around elections. The noble Lord, Lord Oates, spoke in some detail about the brutality of the historical background and the injustice that surrounded the March election. I do not diminish the political problem, but there is another connected form of violence that afflicts Zimbabwe—the violence of hunger and the effects of climate change, which are just around the corner. This seems surprising in a country with high educational and economic standards. Some of it is down to years of mismanagement under Robert Mugabe and the violent appropriation of larger white-owned farms by the war vets, for which there has never been any compensation or full recovery. However, climate change is not the fault of anyone in Zimbabwe which, like most of Africa, has a very low carbon footprint. It is more of a pinprick, at 0.05% of global emissions compared with the UK's 4.61%.

I have consulted Christian Aid, where I worked for many years, about the response to climate change in Zimbabwe. It is especially concerned about the effect on poor, rural families, particularly women, and says that seven out of 10 women rely on farming to provide for their families. But with no rain, it says, women cannot grow enough food and struggle to do so for their children. In times of drought, many families can afford to eat only one bowl of porridge—and this is happening in one of the potentially wealthiest countries in Africa. Zimbabwe has suffered severe droughts but is not currently on the ReliefWeb danger list.

How are these women coping? One local NGO, BRACT, which is working with Christian Aid in Mutoko and Mudzi districts, recommends five priorities: grow drought-tolerant crops; learn how to grow food in dry seasons; build storerooms to preserve food and prepare for future droughts; eat more healthy food; and learn new skills for alternative sources of income. I have no doubt that FCDO Ministers have already taken in this wisdom from rural areas in Zimbabwe. Of course, climate change is leading to conflict between herders and pastoralists all over Africa but the Minister will acknowledge that some things cannot simply be pinned on poor leadership, as we do in Africa day after day.

Climate change is a moral issue and the remedy is greater understanding, as well as more support for sustainable development from outside. The Government need more encouragement for their work with civil society in Africa and on the need to preserve funding for that against the threat of cuts, because the goods are not just being delivered by Governments. Authoritarian states have tried for years to eliminate space for individual or independent initiatives. Uganda, Sudan and South Sudan are other examples of strong leadership—countries where the UK has had to work around presidents who never tolerated opposition. In fact, they did their best to eliminate it but have been unable to stop civil society, which has always been a strong feature of Zimbabwe.

The Conservative Party, to its credit, has been an advocate of NGOs for at least a generation. When I was working for NGOs in the 1990s, Lynda Chalker—now the noble Baroness, Lady Chalker—was the first Development Minister to see NGOs as a necessary and efficient alternative to what was offered by government. So began an era which fitted comfortably with the Labour Government from Clare Short up to Gordon Brown, who became a champion of small-scale development and lending to the poorest countries. Perhaps the Minister could confirm the continuation of that policy, as it needs to be restated.

Today I simply wanted to highlight an area of human rights which is continually neglected: the right to life, especially in the case of developing countries today, which may carry no responsibility for it. With that, I much look forward to the comments of others, including the noble Baroness, Lady Hoey, who I know has carried the torch in another place for many years on this subject.

4.54 pm

Lord Alderdice (LD): Like the noble Earl, Lord Sandwich, I thank and congratulate my noble friend Lord Oates on not only obtaining this debate but flying the flag for a better Zimbabwe. He does so not only in the Chamber but in the All-Party Parliamentary Group on Zimbabwe.

My first engagement with the name "Zimbabwe" was in Liverpool in 1973, when I was attending an ecumenical religious event. I came away sporting a "Free Zimbabwe" badge, and for an idealistic young outsider like me the situation seemed a relatively simple story of good guys and bad guys. For us as liberals, Ian Smith and his regime were clearly the bad guys, so those who replaced them were the good guys—until it became clear when they took over that they were not. It was increasingly apparent that Robert Mugabe and his party were not just "not the good guys" but really rather bad guys, and so Morgan Tsvangirai and his people must be the good guys. But when they ran into difficulties in ousting Mugabe, relations within the party deteriorated and there was an unpleasant split, which was obviously going to make it more difficult to defeat Mugabe—divided oppositions are always at a disadvantage.

In 2006, I was asked to meet in South Africa leading figures in the two MDC groups that were led by Arthur Mutambara and Morgan Tsvangirai. That is when it became clear to me that it was not a simple picture at all, for although I was able to negotiate an agreement between the two MDC factions on how they would manage their relationship in the future, when they took it back to Morgan, he rejected it. He went on to become Prime Minister but that did not resolve relationships within the country. If it had, we would not be having this debate this afternoon. I now take the view that it is generally unwise in the context of a political division in another country to address the problem as a simple matter of bad guys who should be punished and good guys who should be assisted. When a full-scale war breaks out, a new dynamic emerges and one is often forced to take sides but, in the context of political divisions, it is often better to address the problem of the disturbed relationship between the two or more partisan groups rather than simply back one side against the other.

Britain's policy approach towards Zimbabwe has largely been driven for many years by sanctions whose purpose, laudable enough, has been to change behaviour away from all the kinds of gross abuses so clearly and ably set out in his speech by my noble friend Lord Oates. There have been and currently are gross abuses, with the illegal undermining of the opposition through abductions, torture and indeed murder, abuse of the legal system and corruption of the political system—not just at a lower level but, as my noble friend pointed out with his quotations, even from the vice-president—and dehumanisation and incitement at the highest level.

After these very many years I ask myself, as I ask the Minister, what is the purpose of our sanctions now? If all these abuses which have been described are continuing, do Her Majesty's Government believe that the sanctions are going to resolve the problems we are discussing? I think not. Do they have a downside? Yes, they do. They portray Britain as an old colonial power that, decades on, remains insistent on sanctions that have not worked to change things for the better but which are seen, rightly or wrongly, by many—not only among supporters of the Zimbabwean Government—as contributing to the disastrous state of the Zimbabwean economy. At the same time it is clear that Russia, and even more especially China, have been engaging with countries in sub-Saharan Africa, such as Zimbabwe, and picking up support from them with no questions asked.

Partly as a result of that, and because of its own experience of sanctions, last month at the United Nations General Assembly we saw Zimbabwe refusing to back western sanctions against President Putin's Russia, saying that it was opposed to them because they make complex situations worse. Instead of

[Lord Alderdice]
globalisation having broadened and deepened relationships across the world, we are now splitting into those who support Russia and China, which are the majority of states in the UN, versus those who support the United States and Europe, who may control the larger part of the global economy, at least for the present, but not necessarily the majority of the people or of the UN member states.

It seems that this requires post-Brexit Britain to review its approach to policy with Zimbabwe and other countries with which we have difficult historic relationships. In the context of Zimbabwe in particular, I would be grateful if the Minister and his colleagues would begin to review the effectiveness and value of sanctions and see whether there are other, better ways of bringing about the changes we all want to see. I appreciate that this would be a major shift of policy, and timing is of course a sensitive question too in all these things. So in addition, perhaps instead of excluding Zimbabwe from the Commonwealth we should be inviting it back, at least as a guest initially, perhaps to a CHOGM meeting, in the hope that rebuilding relationships within the Commonwealth might bring some positive peer pressure to bear and perhaps a better outcome than the sanctions, which to date have not achieved what we want.

5 pm

Baroness Hoey (Non-Afl): My Lords, I welcome this short debate and congratulate my friend the noble Lord, Lord Oates, on his perseverance in getting it and on his excellent speech which outlined practically the whole short history of Zimbabwe. It is vital to raise awareness of what is happening in the deeply entrenched and long-lasting horror of the crisis in Zimbabwe. Particularly at the moment while the world is focused on the terrible tragedy of Ukraine, tyrants and dictators all over the world can get away with even more brutality, such as in Zimbabwe 2022.

In 2018, just before the last presidential election I, along with the right honourable Conor Burns, visited Zimbabwe to write a report for the UK branch of Commonwealth Parliamentary Association on the possibilities of a free and fair election and the chances of Zimbabwe rejoining the Commonwealth. We did not put Zimbabwe out, of course: it left. It was a depressing report. The Zimbabwean Electoral Commission was not impartial and the voter roll was inadequate, for starters. The constitution was being ignored, so we wrote of our disappointment and surprise that our ambassador at that time seemed to be so close to the ruling ZANU-PF party. I have to say that the current ambassador is doing a great job and is widely respected.

Many of us in the All-Party Parliamentary Group for Zimbabwe at that time tried to warn of the danger and futility of expecting change from Mnangagwa. Not for nothing is he known as "the crocodile". We were dismissed by some as needlessly pessimistic and lacking understanding of his desire to change but, as forecast, the pattern set by Mugabe was carried forward with sustained intensity and vigour, complying with plans cunningly crafted with the help of the military. Those had been planned for some time. Unfortunately too many of the agencies working in the country and too many diplomats initially fell for his lies and rather evil charm. We were told that a new chapter of peace, economic efficiency and prosperity would be opened up. They have certainly opened up a new chapter but it is the same horror story of corruption, greed and violent oppression. The only expertise ZANU-PF has ever shown, I am afraid, is in brutality, lying, theft and terror.

We need more Governments around the world, as well as the media and among those who can bring influence online to call to account and shame the ZANU thugs and their stooges in the army, police and judiciary. There is no rule of law in Zimbabwe. The crisis there blights the whole of Africa, particularly the SADC region. Apart from a few brave African leaders whom we can all admire, most heads of government have been mealy-mouthed and complicit in the oppression and persecution of those who have stood up for freedom, democracy and the rule of law.

Can the Minister assure us that our UK diplomats are being properly briefed so that they can actively and productively engage in rallying support for democracy and reform, and against the disastrous corruption that is ruining the lives and livelihoods not only of people in Zimbabwe but of millions of people in neighbouring countries—and against the continuing threats of violence designed to intimidate and suppress civil society, which is so important in Zimbabwe, and brave political activists? Will the Minister discuss with the Commonwealth Parliamentary Association headquarters and the Commonwealth Local Government Forum how increased and targeted support for the valuable work they do to build capacity in support of democracy and freedom can be given? Will they ensure they push to have election monitoring for next year's election in place many months before the vote? There is no point in being there for just a few days over its actual date.

Even in these darkest of days, there is still hope. The perseverance and courage of the Zimbabwean people, mentioned by the noble Lord, Lord Oates, is impressive whether in this country or abroad. The vigil outside the Zimbabwean embassy here in London has restarted after Covid. It has been going since 2002, and those involved say they will continue until there are free and fair elections. Women in Zimbabwe have borne the brunt of the struggle to feed their children, which is getting harder every day. I pay tribute to all of them and to Women of Zimbabwe Arise, an organisation which has done so much to keep the flag flying for freedom and which gave me this little WOZA scarf on one of my undercover visits.

A whole generation has grown up never knowing or enjoying the riches and resources in which Zimbabwe abounds. We see so many of them contributing to the prosperity of other nations to which they have been forced to live in exile—so many good people doing their best, such as Ben Freeth of the Mike Campbell Foundation and Tom Benyon from ZANE. But hope has come in the emergence of the Citizens Coalition for Change, which the noble Lord, Lord Oates, mentioned, and the colour yellow. It was a brave move by Nelson Chamisa to set that up. The MDC had been split apart by infiltration and clever tactics by Mnangagwa. Its headquarters were taken over and its state funding was gone. Chamisa's energetic and inspiring leadership

in rallying support for the Citizens Coalition for Change during the by-election campaigns, travelling up and down the country and addressing huge public assemblies of all ages and backgrounds who long for a better and brighter future for the nation of Zimbabwe, led to a great result. The worry, of course, is that this shows ZANU-PF that it could easily lose next year, and it will now begin to plot how to stop that.

I first met Nelson some 15 years ago in Harare, during one of my undercover fact-finding visits to Zimbabwe. I was immediately struck by his integrity, energy and brave commitment to serving and delivering for the well-being and progress of the people of Zimbabwe. In the award-winning film "President", which I hope many of your Lordships will have seen, we see the horror of the fraud of the 2018 election: the army called in, shooting innocent, unarmed civilians in the back. It shows how the electoral commission sides with the men with guns. The judges do the same. There is despair at the stolen election, but then we see Nelson speaking out.

"Hope, hope, hope, is what we have,"

he says.

Here in your Lordships' House, I hope that we honour the memory of all who have given their lives in this struggle and those who died never being able to return to the land they loved. By having this debate here, we are showing that we will not give up on the Zimbabwean people and their longing for their beautiful country to be restored to its rightful place as the breadbasket for Africa; a country where human rights and democracy are cherished. I ask the Government to do everything possible, in the next year, to help ensure free and fair elections in that wonderful country.

5.06 pm

Lord Purvis of Tweed (LD): My Lords, in this debate it is a real pleasure to follow the noble Baroness and pay tribute to her commitment: her frequent visits, the report she carried out and the work she did in the House of Commons. She wears her commitment to the support of those women in Zimbabwe, who are fighting for a better life, not on her sleeve but around her neck. Equally, I also endorse her comment about the "Storyville" programme "President". It is really worth highlighting. As the noble Earl, Lord Sandwich, indicated, often there are countries that are crowded out from public debate. The BBC deserves credit for maintaining that documentary on iPlayer.

I am a member of the all-party group so ably led by my noble friend Lord Oates, along with my noble friend Lord Alderdice and the noble Earl, Lord Sandwich. I also pay tribute to my noble friend Lord Oates for securing this debate and introducing it so comprehensively. He is a leader on ensuring that we maintain debate about Zimbabwe. He opened his contributions in a very sensitive way, discussing a conflicted past and those restrictions of freedom of expression, democratic representation and liberty under our administration, and then under white supremacy. As he indicated, we must be fully cognisant of the past, but this does not negate comment on the present. While I very strongly agree with my noble friend Lord Alderdice, who has indicated over very many years the complexities of the politics within this diverse country, there are also necessary areas on how we look forward: the type of exact support, areas where we seek to have leverage over the Government, and how we support, in a practical way, those who seek the rights we enjoy here.

In his comprehensive speech, my noble friend Lord Oates narrowed on the electoral process. In Zimbabwe, the most recent by-elections were marked by significant violations of human rights law and by a result showing significant support for the new political Citizens Coalition for Change, with one-tenth of the 270 seats in the legislature and 5% of the 2,000 local government council seats. As has been reported, and as I perceive it, perhaps this indicates how the full elections will take place. This debate is therefore timely to ensure that we have recorded the abuses that took place and bear them in mind for the UK's role of working with others to seek free and fair elections.

The impact of Covid and the actions of the Zimbabwe Administration have compounded the country's economic crisis. It is reported that its economic crisis is characterised by high inflation that has eroded purchasing power and led to foreign currency shortages, unemployment of more than 90% in some areas and low manufacturing capacity. Its currency is in freefall. In December 2016, when the new Zimbabwean dollar was introduced, it was pegged at 1:1 with the US dollar; now it is trading at 220 Zimbabwean dollars to the US dollar.

The people are suffering, but as our Government highlighted in their human rights report published last summer, the majority of the human rights violations they reported

"were due to heavy-handed policing of COVID-19 regulations by the Zimbabwe Republic Police".

A combination of restrictive practices during an economic and health crisis and those during an election process means that there is significant concern. We are not free from corruption, fraud and a grubby disregard for rules by our own Government and Prime Minister, so let us not have double standards, but, as Amnesty highlighted:

"The human rights situation continued to deteriorate".

That view was supported by the Government, which indicated that there was no improvement in the human rights situation in the last period of their report. Amnesty noted

"the government demonstrating hostility to human rights defenders, protesters, political activists and journalists."

As we look forward in this grim situation, we take into consideration the opportunities for further dialogue, either within or alongside the Commonwealth and the CHOGM meeting in Rwanda or in an open process of facilitated dialogue. However, the Government need to recognise that our leverage and moral position for the people of Zimbabwe has been dramatically harmed by, as my noble friend Lord Oates indicated, the gruesome cuts to overseas development assistance to them from the people of the United Kingdom, which fell from £189 million pre-Covid in 2019-20—that included £69 million of health support—to £18 million, with no money for health support.

If we are looking for freedom of expression and in electoral processes and the implementation of the law, we must ensure that the people of Zimbabwe are supported. Therefore, an immediate return to

[Lord Purvis of Tweed]
0.7% and an immediate restoration of support for the people of Zimbabwe are necessary from this Government.

5.13 pm

Lord Collins of Highbury (Lab): My Lords, I, too, thank the noble Lord, Lord Oates, for initiating this debate and for his excellent introduction. As he rightly says, it is for the people of Zimbabwe to determine their own future, but continued violations of human rights, including impediments to free and fair elections, remain a significant barrier to their ability to determine that future for themselves. It is also a significant barrier to the country's role in the international rules-based order. In the period leading up to the March elections, there were repeated reports of state interference to disrupt the electoral process. Unfortunately, this forms part of a much wider undermining of democracy in recent years.

The noble Earl, Lord Sandwich, mentioned the important role of civil society, which we have focused on in previous debates on Zimbabwe. Civil society, including trade unions, has continued to be the subject of harsh repression from state authorities. The wave of political arrests has led to a number of activists and opposition politicians going into hiding. This is all in addition to President Mnangagwa's use of the Covid-19 pandemic as a pretext for even further harassment and disregard of due legal process, with no accountability for those responsible.

While I hear what the noble Lord, Lord Alderdice, says, I believe the UK Government have been right to implement sanctions in response, including asset freezes, arms embargoes and travel bans. The Minister has our full support in doing so, but there is a case for the Government to review and monitor the effect of these sanctions, particularly on how we might work more effectively with our allies to review their implementation and effectiveness. It is also welcome that the British embassy in Harare continues to engage with civil society groups and certainly important that Ministers make representations directly to Zimbabwean officials over their treatment.

Human rights defenders and civil society organisations are, of course, facing unprecedented restrictions and abuse in every region of the world. In recognition of this, the UK committed in the Government's integrated review of security, defence, development and foreign policy to work with human rights defenders and civil society as a priority action of the "force for good" agenda. At the G7 in 2021, they also committed to address

"the closure of civic space"

and

"to work collectively to strengthen the foundations of open societies, promote human rights and inclusive connectivity".

What progress has been made on developing a meaningful plan of action to make those commitments a reality? Will the human rights and civil society directorate develop a strategy addressing these issues?

Looking to the future of Zimbabwe, Ministers have previously referred to the PVO amendment Bill in this House, which could restrict civic space even further. Can the Minister detail what recent assessment the FCDO has made of the potential for that Bill to pass, and the consequences of its implementation?

Human rights in Zimbabwe remain a serious concern across this House and, unfortunately, the recent events during the elections form part of a pattern. The EU's observer mission found that the state's actions in the post-election period undermined the integrity of the elections. The mission stated that

"the restrictions on political freedoms, the excessive use of force by security forces and abuses of human rights in the post-election period undermined the corresponding positive aspects during the pre-election campaign"

and that, as the noble Lord, Lord Oates, said,

"many aspects of the 2018 elections in Zimbabwe failed to meet international standards."

I hope that the Government will continue to hold the President of Zimbabwe to account, and that the Minister can outline specific actions by the department on how it intends to do that in the months ahead.

5.19 pm

The Minister of State, Department for the Environment, Food and Rural Affairs and Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park): My Lords, I thank the noble Lord, Lord Oates, for tabling this debate and for his continued interest and tenacious advocacy as co-chair of the APPG on Zimbabwe, which has been of huge benefit to the House. I thank all noble Lords for their insightful contributions.

The by-elections of 26 March were the first that Zimbabwe has held since the start of Covid regulations in 2020. While the delay in convening the polls was a concern, we welcome the Government of Zimbabwe's subsequent actions to ensure that 28 parliamentary seats and 122 council seats have now been filled. As noble Lords will expect, the UK does not support any particular candidate or political party in Zimbabwe—it is for the people of Zimbabwe to determine and for them to choose their Members of Parliament and councillors—but clearly it is also our very strong view that this choice should be a real one and that it should be exercised through free and fair elections in line with Zimbabwe's constitution. Indeed, respect for democratic principles, alongside human rights, the rule of law and civil society space, is central to Zimbabwe's stated desire to see the UK sanctions regime lifted and to rejoin the Commonwealth.

The noble Baroness, Lady Hoey, raised the question of the Commonwealth, as did other noble Lords. As noble Lords are aware, the decision about whether Zimbabwe rejoins the Commonwealth is for all Commonwealth members. In due course, we would of course like nothing more than to see Zimbabwe rejoin. However, Zimbabwe cannot yet credibly be said to meet the principles set out in the Commonwealth charter.

On the by-elections themselves, we welcome the largely peaceful manner in which the by-elections of 26 March took place and the calm reaction to the results. Like numerous Zimbabwean citizens and noble Lords here today, I also note several serious concerns about the pre-election period and the management of

the elections. On the right to freedom of assembly, we were concerned that, ahead of the by-elections, the police prohibited two rallies—as already noted in this debate—requested by the newly created party, the Citizens Coalition for Change, otherwise known as the CCC. This was ostensibly on security grounds, despite the party requesting the necessary police clearances. The CCC was able to hold 10 rallies in the pre-election period, but it is clear that the state has been seeking to frustrate the opposition's ability to campaign.

We are also concerned about the language used by senior political figures, language which appears to be designed to incite violence. The noble Lord mentioned Vice-President Chiwenga's call on 26 February for the CCC to be "crushed like lice", which was perhaps the most alarming language that was used. While we acknowledge President Mnangagwa's subsequent call for peace, the lack of accountability for the vice-president's language is clearly a problem. Let me be crystal clear on behalf of the UK Government: language like that has no place in any country or any elections ever. Given the potential for tensions to increase ahead of nationwide elections in 2023, we call on all parties to keep their language measured and conducive to an atmosphere of peaceful and fair campaigning.

We are also concerned by the increase in political violence in the build-up to 26 March. The death of Mboneni Ncube at a CCC rally on 27 February, allegedly at the hands of ZANU-PF supporters, is of particular concern. We welcome the police investigation into the incident and await the outcome of forthcoming legal proceedings. The alleged beating of CCC campaigner Godfrey Karembera while in police custody on 17 March is also of huge concern. Zimbabwe's constitution is crystal clear: all security forces should remain neutral in all political activity and any incidences of violence must be fully investigated. These efforts to frustrate the opposition's right to free assembly and to incite violence are not in keeping with President Mnangagwa's commitments or Zimbabwe's constitution. It is in that spirit that we call them out, seek accountability and ask that lessons be learned.

On the voters' roll, we welcome the Zimbabwe Electoral Commission's efforts to ensure that each polling station had a full voters' roll published outside for public viewing. However, we are concerned at the confusion regarding the publication of the final voters' roll in the build-up to the 26 March by-elections. Combined with insufficient voter education, this resulted in some voters being turned away from polling stations after having registered after the official cut-off date. We are also aware of the accusations of voters being moved into new constituencies without their knowledge and of abnormally large numbers of voters being registered in individual homes. A transparent and accessible voters' roll is clearly essential to build trust in the electoral system.

Following the by-elections of 26 March, and reflecting on the international observer missions after the 2018 elections, we are joining others in pressing the Government of Zimbabwe to make far greater efforts on reforms and to ensure free, fair and credible presidential and parliamentary elections in 2023. The 2018 observer missions called for a number of measures, few of which have yet been seen through to completion. Clear voter registration and publication of an accurate voters' roll, transparent use of state-owned resources and more effort to demonstrate the independence of the Zimbabwe Electoral Commission are essential to the elections' credibility. The Government must also fulfil their commitment to allow equal access to state-owned media. The noble Baroness, Lady Hoey, raised a point about election monitoring. We are pleased that election monitoring has been offered. The initial indications are that the Government of Zimbabwe are open to that and we will keep pressing very hard to ensure that that follows through. The UK, with our international partners, stands ready to support Zimbabwe to make progress on these important issues.

In relation to the question on sanctions raised by the noble Lord, Lord Alderdice, and, coming from a different angle, by the noble Lord, Lord Collins, who I thank for his support of the Government's position, our designations seek to hold to account individuals responsible for egregious human rights violations and corruption. The sanctions do not target and seek to avoid impact on the wider economy and the people of Zimbabwe. They will be retained as long as accountability is lacking and the human rights situation in Zimbabwe justifies them. The noble Lord, Lord Alderdice, raised the spectre of China and Russia. Although we do not have time in this debate to go into the details, he makes an important point and one that is very much on the radar of the Foreign, Commonwealth and Development Office in relation to Zimbabwe and numerous other countries in the region.

With national elections due in 2023, we are also concerned by the Government of Zimbabwe's gazetting of the Private Voluntary Organisations Amendment Bill. If passed into law and implemented, the Bill may be used to restrict the ability of civil society to operate in a way that would be out of line with the Government's commitment to reform. We have asked the Government to re-examine the provisions that appear to restrict these freedoms and are out of step with Zimbabwe's constitution. We have raised our concerns with the Government of Zimbabwe, including with the Permanent Secretary of the Ministry of Foreign Affairs on 16 February, and we will continue to do so.

I shall briefly address the comments by the noble Earl, Lord Sandwich, about climate change, a hugely important issue. He is right that Zimbabwe is very much on the front line. In fact it is one of the countries in the world that are most vulnerable to the impact of climate change and extreme weather. Equally, with its abundant clean and renewable energy sources, Zimbabwe has a real opportunity to capitalise on its natural assets and act as a regional leader in reducing global emissions and tackling climate change. Zimbabwe made a number of commitments at COP 26 at the end of last year in Glasgow to reduce its emissions, tackle deforestation and increase the use of renewable energy. As the noble Earl and other noble Lords know, tackling climate change is a priority of the UK Government, not just because we hosted COP 26 but in our policies across the board. Indeed, we doubled our international climate finance to £11.6 billion, and a big focus of that will be on nature-based emissions which, again, lend themselves to countries such as Zimbabwe.

[Lord Goldsmith of Richmond Park]

However, I think it would be a mistake to attribute many of the issues that we are talking about today in this debate to climate change. I do not seek in any way to diminish the impact or threat of climate change to countries such as Zimbabwe, but the issues that we have been discussing today, or could have discussed today, such as the fact that Zimbabwean women experience more violence directed at them for being women than almost any other country on earth, are clearly not climate change issues. They are issues of governance and go far beyond the issues that we are discussing today.

I echo the comments made by the noble Baroness, Lady Hoey, who has been a great advocate for Zimbabwe for as long as I have known her. Zimbabwe is an extraordinary, beautiful and wonderful country, and its people reflect that. The potential for that country, in the right hands and with appropriate levels of governance, is extraordinary, and that potential has simply not been capitalised on or realised for very many years.

I do not want to disagree with the comments that noble Lords made about the urgent need to restore the 0.7% commitment that we have had in this country. That is a topic for another day—a debate for another time. However, I do not think that anyone in government does not want to return to that 0.7% as soon as we possibly can. That message has certainly been heard loud and clear from this House ever since the decision was made.

The history of the UK and Zimbabwe is long, complicated and well documented. I want to be clear that the UK wants absolutely nothing more than to see Zimbabwe prosper for the benefit of all Zimbabweans, and we will continue to engage in this vein.

We welcome the Government of Zimbabwe holding the by-elections on 26 March and the positive aspects of the polls that I noted earlier. However, as I also indicated, there are areas where we hope the Government of Zimbabwe will make real progress. That progress is badly needed so that, ahead of 2023, the Zimbabwean people can be confident in a free, fair and transparent election process. As ever, we stand ready to support.

Committee adjourned at 5.31 pm.