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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

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

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

Friday 16 June 2023

10 am

Prayers—read by the Lord Bishop of Exeter.

Shark Fins Bill

Third Reading

10.06 am

Motion

Moved by ***Baroness Jones of Whitchurch***

That the Bill do now pass.

Baroness Jones of Whitchurch (Lab): My Lords, I thank noble Lords from across the House for their support for this simple but important piece of legislation. It will ban the import and export of shark fins in the UK and take a stand against the barbaric practice of sharks being caught, having their fins sliced off and being thrown back into the sea to have a slow, lingering death. Thankfully, the UK is now making it clear that this practice must stop, setting an example to our global trading partners, which we hope will follow suit.

I pay tribute to my honourable friend Christina Rees for passionately and expertly steering the Bill through the Commons. I thank the Minister and the wonderfully supportive staff in Defra, who did much of the heavy lifting on this Bill, particularly Lara Turtle and Cat Bell. Most of all, I place on record my thanks to the many marine and shark conservation groups that have campaigned so effectively on this issue, in particular, the Shark Trust, Bite-Back and Shark Guardian.

This Bill sends an important message about the importance of marine conservation. As we discussed at Second Reading, it is not a substitute for a more comprehensive animal welfare Bill, but for now we take pleasure in the passing of this Bill. I beg to move.

Baroness Hayman of Ullock (Lab): My Lords, I want briefly to thank my noble friend Lady Jones and Christina Rees MP in the other place for bringing forward this Bill. It is an important piece of animal welfare legislation. I am delighted that the Government chose to support it and that we will see it pass. I thank everybody who worked on it and supported it.

The Minister of State, Department for Environment, Food and Rural Affairs (Lord Benyon) (Con): My Lords, I will make a statement on the legislative consent in relation to the Bill. The Bill was amended in the other place to make provision across the United Kingdom. As noble Lords will know, child maintenance—

Noble Lords: Oh!

Lord Benyon (Con): Shark fin policy was transferred to the Northern Ireland Assembly, and a legislative consent Motion is required for any provision related to the transferred area. However, due to the continued absence of the Northern Ireland Assembly and Executive, a legislative consent Motion cannot be secured. Historically, the Northern Ireland legislation in this area has mirrored that in Great Britain and, following engagement with the Northern Ireland department related to this matter, proceeds will apply in Northern Ireland in the absence of a legislative consent Motion. This will ensure that the people of Northern Ireland can benefit from the provisions in the Bill.

Having got through a great start to today's proceedings, I echo the thanks to the noble Baroness, Lady Jones, for her hard work in guiding the Bill through the House to this stage, and for her passion, knowledge and understanding in this area. I also pay tribute to the honourable Member for Neath, Christina Rees, for her success in steering the Bill through the other place in such a determined and enthusiastic way. I extend my thanks to the environmental non-governmental organisations for their continued support for the Bill, and I am grateful to noble Lords who contributed to the Second Reading debate and other proceedings.

Throughout the Bill's passage, we heard about the devastating impacts of shark finning, and I am pleased that we have had this opportunity to debate, discuss and shine a light on this important issue. I will not repeat our discussion at Second Reading, but I emphasise that the Bill is a significant step in demonstrating the UK's leadership in shark conservation and protecting our natural environment. It fits in with the Government's policy. I have on my wall an award from the Shark Trust for the coalition Government's work in trying to get the European Union to move on to this footing. I appreciate that this is only a small part of the solution to the pressing need to protect the ocean's richness and diversity, and I am pleased to reiterate the Government's support for the Bill. I look forward to seeing it on the statute book.

Bill passed.

Co-operatives, Mutuals and Friendly Societies Bill

Third Reading

10.12 am

Motion

Moved by ***Lord Kennedy of Southwark***

That the Bill do now pass.

Lord Kennedy of Southwark (Lab Co-op): My Lords, in these few brief remarks, I pay tribute to the Bill's sponsor in the other place, Sir Mark Hendrick, the Member for Preston. I also pay tribute to Peter Hunt, Mark Willetts and all the team at Mutuo, an organisation that has done fantastic work in the co-operative sector over recent years and had many bits of legislation passed. They have done a wonderful job, and we thank them very much for all their work.

[Lord Kennedy of Southwark]

The Bill is passive: it requires no co-op, mutual or friendly society to do anything whatever, but it enables them to take action, if they want, to protect their organisations and prevent unwanted attempts to demutualise. So it is a welcome piece of legislation. I thank the Government and the Opposition for their support, and the noble Lord, Lord Naseby, for his support on these matters over many years. I also thank the Treasury and Treasury officials for their support. I beg to move.

Lord Naseby (Con): My Lords, this is a vital Bill for the mutual movement of the United Kingdom. It prevents any predator trying to take away the capital put in by individual members of the society, and it is absolutely vital that this goes through. I recognise that another element sitting on the statute book that complements the Bill is the Mutuals' Deferred Shares Act 2015, which I had the honour of taking through this House some time ago. I say to my noble friend on the Front Bench that we in this country now have a huge opportunity to benefit in the same way that Canada and Holland have from the mutual movement. It is ready to move forward, and we now look to His Majesty's Government to implement the Bill and take the mutual movement forward. I particularly thank the noble Lord on the Front Bench on the other side of the House for all that he has done to take it this far.

Lord Fox (LD): My Lords, briefly, it is a pleasure to follow the noble Lord, Lord Naseby, whose speech I agree with completely. The noble Lord, Lord Kennedy, and his colleagues should be congratulated on bringing forward the Bill. It is a passive Bill, and it is no reflection on him but, sadly, it is too late: too many mutuals have been cashed in, with the current generation benefiting from the prudence of past generations. Anything that we can do to halt that decline is excellent. Turning to the Front Bench, I think that this is an important sector that has largely been undervalued over past decades. Taking the theme of the noble Lord, Lord Naseby, I think this is an opportunity to kick off with this sector of our economy and perhaps grow it and make it more valuable, which it undoubtedly has the potential to be.

10.15 am

Lord Livermore (Lab): My Lords, I congratulate my noble friend Lord Kennedy of Southwark on the success of his Bill. I also congratulate Sir Mark Hendrick MP for steering it through the other place. I know that my noble friend Lord Kennedy has supported co-operatives for over 40 years, and I note that some of the principles of them are democratic member control, autonomy and independence—perhaps not principles you might normally expect to be championed by a Chief Whip, but my noble friend does so with ease. The Bill will help UK mutuals preserve their legacy assets for the purpose for which they were intended, maintain and encourage greater corporate diversity and build a more resilient economy—objectives on which I am sure we can all agree.

The Parliamentary Secretary, HM Treasury (Baroness Penn) (Con): My Lords, I add my thanks to the noble Lord, Lord Kennedy, for guiding the Bill through your Lordships' House and for lending his wealth of knowledge and experience to our debates. I also congratulate Sir Mark Kendrick as his Bill reaches this milestone today. In particular, I recognise the close work between Sir Mark and my honourable friends the Economic Secretary to the Treasury and his predecessor, Richard Fuller, who supported the Bill through the House of Commons on behalf of the Government.

At their core, mutuals give people a stake in how businesses and organisations should be run. They make up a diverse sector of commonly owned and democratically controlled enterprises that provide vital services to their members across all industries. That is why creating the right legal apparatus in which mutuals can thrive and grow is so important. The Bill is a contribution towards that. As noble Lords said, it aims to provide the sector with options to safeguard its businesses, have more control over their funds and ensure that they are better equipped to avoid demutualisation.

Hearing support for the sector in this brief debate, I reassure noble Lords that government support for mutuals goes far beyond the Bill. The Financial Services and Markets Bill includes amendments to the Credit Unions Act to allow them to offer a wider range of products and services, and we intend to amend the Building Societies Act as part of the Edinburgh reforms package to modernise legislation for building societies. I am also happy to confirm that the Government will launch reviews of the Co-operative and Community Benefit Societies Act 2014 and the Friendly Societies Act 1992, conducted by the Law Commission, with the aim of identifying essential updates to the legislation, allowing for a more modern legal structure in which mutuals can be supported to capitalise on new opportunities to grow. So the Bill is the start of more work to come to support this important sector, and I am glad that the Government can support it.

Bill passed.

Child Support Collection (Domestic Abuse) Bill

Third Reading

10.18 am

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Viscount Younger of Leckie) (Con): My Lords, before we commence proceedings on the Bill, I am obliged to make a statement on legislative consent in relation to it. The Bill was amended in the other place to make provision across the United Kingdom. As noble Lords will know, child maintenance policy is transferred to the Northern Ireland Assembly, and the usual process would be for it to provide a legislative consent Motion for any provision relating to a transferred area. However, due to the continued absence of the Northern Ireland Assembly and Executive, a legislative consent Motion cannot be secured.

Historically, the Northern Ireland legislation in this area has mirrored that in Great Britain. Following engagement with the Northern Ireland Department for Communities, the Government's position is that it is important that this legislation proceeds to apply in Northern Ireland in the absence of a legislative consent Motion. This will ensure that the people of Northern Ireland can benefit from the provisions in the Bill.

Motion

Moved by ***Lord Farmer***

That the Bill do now pass.

Lord Farmer (Con): My Lords, I thank my noble friend the Minister and his officials for their support, all noble Lords who spoke at Second Reading, and my honourable friend Sally-Ann Hart for introducing the Bill in the other place and guiding it through all its stages.

Given my long-standing interest in separated families and the Child Maintenance Service, I am aware that key details of its operation are covered in primary legislation. The Bill amends primary legislation to make the collect and pay service available to victims of domestic abuse regardless of payment history, so that they can decide what is best for their personal circumstances. Evidence of domestic abuse against either parent or children by the other parent involved in the case will be required. Such evidence requirements are expected to be complex, so they will be set out in secondary legislation. My noble friend the Minister will confirm that they will be subject to more detailed policy development, including engagement with stakeholder groups and other government departments to ensure that parents are support appropriately and measures are proportionate for both parents.

It has been a privilege to bring the Bill through its final stages. I hope that it can now receive Royal Assent and be implemented as swiftly as possible. I beg to move.

Baroness Sherlock (Lab): My Lords, I thank the noble Lord, Lord Farmer, and congratulate him on having brought the Bill to fruition in this House. I add my thanks to the Minister and his team for having supported it, to the honourable Lady, Sally-Ann Hart, who piloted it through the other place, and to the charities, such as Gingerbread, which put so much work into supporting parents in this area.

Although this is a brief and focused Bill, it achieves one incredibly important task: it enables parents who have experienced domestic abuse to use the Child Maintenance Service without having to communicate directly with the abusive parent. It is a good example of how a Private Member's Bill can do something quite specific but incredibly important to those affected by it.

We might have considered tabling some amendments to it, to explore some of the issues, but we want to make sure that the Bill reaches the statute book in this Session. I am very conscious that it is six years since Emma Day was murdered by her ex-partner. He threatened her life if she chased him for child support, and when she pursued a claim for child support, he stabbed her to death. I hope that those who still mourn Emma to this day will see the Bill, and the work of the noble Lord, Lord Farmer, and others, as a small step forward in protecting those who face domestic abuse in our time.

The absence of a Committee stage prevented me from following up on one specific question I asked at Second Reading, which the Minister missed the opportunity to answer. In Committee in the Commons, the Minister, Mims Davies, said:

> "Full consideration is being given to exempting victims of domestic abuse from collection charges".—[*Official Report*, Commons, Public Bill Committee, 14/12/22; col. 9.]

Can the Minister, either now or in writing, tell the House where that consideration has got to?

For today, we are pleased to offer our support for the Bill, and we wish it fair speed.

Viscount Younger of Leckie (Con): My Lords, I thank the noble Baroness, Lady Sherlock, for her support for my noble friend's Bill. I will most certainly write a letter to her, over and above the letters I have already written to her, which I hope she has received.

I am grateful to my noble friend Lord Farmer for presenting his Bill to the House, and to my honourable friend Sally-Ann Hart for introducing the Bill and guiding it through its stages in the other place. I am also very grateful to the Minister for Social Mobility, Youth and Progression for her support.

I remain very grateful to Dr Samantha Callan for conducting the independent review of the ways in which the CMS supports victims of domestic abuse, and for her excellent report. As your Lordships are aware, Dr Callan's report includes a recommendation to enable cases to be moved to collect and pay where there is evidence of domestic abuse—precisely what this Bill aims to do.

To ensure that the Bill targets parents appropriately, the types of domestic abuse evidence that will be required will be set out in secondary legislation. This will reassure not only the noble Baroness, Lady Sherlock, but my noble friend Lord Farmer in particular. We will engage with stakeholder groups, other government departments and the devolved Administrations, where appropriate, to ensure that appropriate processes are established for verifying evidence of domestic abuse.

I hope that the whole House will join me in supporting my noble friend's Bill and agree to the final stages of its passage.

Bill passed.

Offenders (Day of Release from Detention) Bill

Third Reading

10.25 am

Motion

Moved by ***Lord Bird***

That the Bill do now pass.

Lord Bird (CB): My Lords, I thank Simon Fell, MP for Barrow and Furness, for his wonderful work on getting the Bill off the ground.

What is so interesting about the Bill is that we invest a vast amount of money in putting people in prison and if, at the end of that period, they are released on a Friday and have no family support, friendships or relationships and cannot go to Citizens Advice, the local authority or any of the other support services, they often fall homeless over the weekend. We know that homeless people who have been let out of prison have the temptation and possibility of falling back into the crisis of poverty and the crisis of crime.

Therefore, I am pleased that we are making this wonderful little nugget of change to help us consider that there are a lot of other things to do. Is it not wonderful that we can say, "If we make that investment in somebody's life, let's make sure that, when they get out, they don't fall back into grief"? I beg to move.

Lord Ponsonby of Shulbrede (Lab): My Lords, the noble Lord, Lord Bird, described the Bill as a "nugget of change"; that is a modest thing for him to say.

Although the scope of the Bill is narrow and specific, it will make demonstrable change. There have been attempts to make this change in other, larger Bills in the past, which have fallen by the wayside, so I congratulate him, as a relatively new Member of this House, on getting through this significant addition to the way we manage people who come out of prison. As he said, this is a very vulnerable group of people who are very likely to reoffend, particularly if they are released on a Friday, so every step, however little, matters to try to reduce reoffending. I congratulate the noble Lord.

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bellamy) (Con): My Lords, I too add my thanks and congratulations to the noble Lord, Lord Bird, for persevering in taking this Bill through the House and for continuing the good work of the honourable Member for Barrow and Furness, Mr Simon Fell, in the other place.

This is a simple yet effective Bill that will play an important role in supporting the Government's drive to reduce reoffending and protect the public. It will ensure that custody leavers have a better chance to access the support they need to reintegrate into the community and turn their backs on a life of crime. The Bill achieves that by enabling the offender's release date, where it would have fallen on a Friday or the day before a public or bank holiday, to be brought forward by up to two eligible days, so that they will be released earlier in the week. Offenders with resettlement needs will no longer need to try to access these services, under what may well be very challenging circumstances, as the weekend begins and services and support stop or fade away.

The Bill applies to both adults and children sentenced to detention. It will ensure that the relevant release provisions exist and apply in all youth settings, including the recently created secure 16-to-19 schools.

I am very grateful to the Members, Lords and officials who have worked so diligently to bring forward the Bill, and to the noble Lord, Lord Ponsonby, and his colleagues for their support and encouragement. I am once again very pleased to reiterate the Government's support, and very much look forward to seeing the Bill on the statute book.

Bill passed.

Supported Housing (Regulatory Oversight) Bill

Third Reading

10.30 am

Motion

Moved by ***Lord Best***

That the Bill do now pass.

Lord Best (CB): My Lords, let me briefly recap on this Private Member's Bill, introduced in the other place by Bob Blackman MP, who has once again secured government backing for much needed housing legislation. This follows the success of his historic Homelessness Reduction Act 2017, which has prevented many thousands of households becoming homeless. I am honoured to be piloting his Bill through your Lordships' House and declare my interest as a vice-president of the Local Government Association.

The Bill addresses the malpractices and abuses that are causing much distress to vulnerable people in need of somewhere to live, while costing the taxpayer many millions each year. Recently, there has been an alarming increase in the numbers of people needing supported accommodation, including people with disabilities, people with mental health problems, those leaving prison with nowhere to go and those escaping domestic abuse, among many others. Unscrupulous landlords have been accommodating these vulnerable people using a special exemption from the usual restrictions on housing benefit and universal credit to charge very high rents, covered in full by the taxpayer, for low-quality accommodation with little or no extra support. So lucrative has it become to take advantage of the lack of regulation in this space that one MP described it as more profitable than dealing drugs.

The Bill will see local authorities imposing a licensing regime for supported exempt accommodation and requires adherence to national standards for both the accommodation and the additional support for tenants. It gives the Secretary of State powers to establish a framework for regulatory oversight and enforcement. This is an extremely complex issue because the current opportunities for receiving higher rents and support for care services apply not only to exploitative landlords taking advantage of a benefits loophole but to highly respectable charities and altruistic housing and care bodies operating in the same field. New regulation must not stifle, inhibit or add unnecessary costs or duties for these thoroughly commendable supported housing providers. Much sensitivity is required, therefore, in formulating the details of the new regime. Extensive engagement with local authorities, housing and care providers, the National Housing Federation and others will now follow. The Bill opens the door to a thorough-going new regime which should release public funds for the decent operators to extend their vital work.

Baroness Hayman of Ullock (Lab): My Lords, we welcome the Third Reading of this important Bill, as well as the contributions from across the House throughout its passage. Progress on addressing exploitation by rogue exempt accommodation operators has been far too slow, as the noble Lord, Lord Best, just spelled out. I commend the Government for extending these provisions to enhance local authority oversight of supported housing. I thank Bob Blackman MP, the Bill's sponsor in the other place, and the noble Lord for piloting it through this House. I am sure the whole House will hope that the Bill can now enable local authorities to drive up standards in their areas.

Baroness Thornhill (LD): I rise to support the noble Lord, Lord Best, and Bob Blackman, and particularly to mention Crisis, which has been heavily involved in this. Those of us in local government will have seen this with our own eyes, having turned up at places and been disgusted by what we saw. We acted and we tried to do things about it, but we lacked the necessary clout and oomph that the Bill will deliver.

Be under no illusions: the hard work starts now. The people on the advisory panel will have their work cut out, but I think the way is very clear. Vulnerable people were being massively exploited and this is a Bill whose time has come. It has great cross-party support, and it will make a difference. Good luck to the panel, which I assume the noble Lord, Lord Best, will be on. It has its work cut out, but please can it work quickly?

Lord Evans of Rainow (Con): My Lords, I thank the noble Lord, Lord Best, for taking the Bill through the House. I thank noble Lords from across the House for their valuable contributions through its passage. I thank and pay tribute to my honourable friend Bob Blackman MP for his tireless efforts in guiding this important Bill through the other place. The Government are pleased to support this crucial Bill, and I am personally very pleased to continue to support it today.

The measures in the Bill will drive out the rogue operators in the supported housing sector and ensure that the vulnerable people who rely on supported housing services to help them live as independently as possible can be confident that they are living in good-quality supported housing.

I want to be clear that, in taking the measures in the Bill forward, the Government will work with the sector, local authorities and others to make sure that good providers can continue to deliver excellent supported housing. The Bill contains a number of measures that will deliver the objective of driving out rogues. These include two very important measures that I will mention today.

The first is a power enabling the Secretary of State to set out national standards for supported housing. The standards will mean that both providers of supported housing and residents will know precisely what good-quality housing with care and support looks like. These standards will need to work across the complex and varied types of supported housing, and will need to be flexible enough to promote innovation and avoid stifling supply.

The second measure is the supported housing licensing regime. The Bill requires the Secretary of State to consult on the detail of the licensing schemes and enables him to make regulations to put them into action. Providers of supported housing schemes will need to meet conditions in order to be licensed; not least, they must comply with the national standards. The Government have already started on a comprehensive programme of stakeholder engagement so that the views of providers, residents and statutory consultees are taken into account. This work will include looking at the costs to local authorities, so that new burdens assessments can be completed.

In conclusion, I want to be very clear that the Government value supported housing; we know that it plays a vital role enabling vulnerable people to live independently. I once again thank the noble Lord, Lord Best, for his sponsorship of the Bill, and my honourable friend Bob Blackman in the other place for his hard work and dedication in putting the Bill forward.

Lord Best (CB): My Lords, I thank the noble Baronesses, Lady Hayman of Ullock and Lady Thornhill, for their support. I thank the Minister for his support, and for underlining the Government's support for the Bill and their willingness to fund the extra burden it involves for local authorities. The true supported housing sector needs significantly more help to reach vulnerable people in real need, and the hard work now begins to put in place the regulatory framework that banishes the bad landlords and strongly encourages the good.

I underline our thanks to Bob Blackman MP, who has now consolidated his position as a leading advocate for better housing for homeless and vulnerable people. I hope he soon comes high in the ballot for Private Members' Bills for a third time.

My sincere thanks also go to Crisis. As mentioned by the noble Baroness, Lady Thornhill, it has, as always, provided invaluable backup. I record my appreciation to the Bill team at the Department for Levelling Up, Housing and Communities for their patience and painstaking work on the preparation and passage of the Bill. It is always a joy to work with talented civil servants on a Private Member's Bill. This is my sixth and, once again, as a Minister for the day, it is revealing and gratifying to see the quality of the work that goes on behind the scenes.

In conclusion, I am sure the Bill will make a real difference to people living in the most unenviable conditions we can imagine. I wish the Government, in partnership with the supported housing sector, every success in making a reality of the promise contained within the Bill.

Bill passed.

OFCOM (Duty regarding Prevention of Serious Self-harm and Suicide) Bill [HL]

Third Reading

10.39 am

Motion

Moved by ***Baroness Finlay of Llandaff***

That the Bill do now pass.

Baroness Finlay of Llandaff (CB): My Lords, I thank the Samaritans most sincerely for all the work they have done with me for a very long time on this

Bill and its background. I also thank those parents and families who have shared the overwhelming distress and tragedy of discovering that their child, brother or sister had been goaded and pushed into suicide by exposure to repeated messages, coming particularly through the internet and often completely unknown to the family. That was the motivation behind this Bill.

I am also extremely grateful to the Government, officials from Ofcom and the noble Lord, Lord Grade, in particular, for the work they are doing to make sure that this scourge that happens to our young people is adequately tackled. We are in a strange position because the Online Safety Bill is in Committee here at the moment and we are about to debate a government amendment which I hope will help address this problem.

I also commend Ofcom on the way it is already developing robust risk assessment and risk management processes because it has recognised just how harmful some of this activity is. I also thank all Members of this House for the support they have given me at all times when we have discussed this Bill and for the recognition across the House, particularly from the noble Baroness, Lady Kidron, of the importance of tackling this major problem in our society. I beg to move.

Baroness Merron (Lab): My Lords, I give my warmest congratulations to the noble Baroness, Lady Finlay, on the progress of this very important Bill. I associate myself and my colleagues on these Benches with the thanks and appreciation extended to Ofcom for its involvement, to the Samaritans for their work not just on this Bill but day in, day out and of course to the bereaved families for their bravery and dignity in speaking out on this Bill and on so many other occasions, which I hope has really supported improvements for the future. I also thank the Minister and officials in his department and am grateful to noble Lords across the House, as ever, for their concern and consideration of this matter.

In seeing this Bill pass, I believe we honour those who have taken their own lives. I hope we give some small comfort and hope to the friends, families and communities who suffer the pain of tragedy and bereavement, having lost their loved ones. As we heard at Second Reading, the internet can be invaluable and positive in providing a space to speak openly and seek support but, regrettably, it can also mean content that encourages self-harm and suicide. At its worst, it is configured to bombard those who are at risk. We should reflect that the coroner ruled that the content that the late Molly Russell had viewed related to depression, self-harm and suicide and that it contributed to her death in more than just a minimal way.

As the noble Baroness said, the passage of this Bill coincides with the long-awaited Online Safety Bill; we will debate government amendments on this issue next Thursday as part of the group on communications offences. As the Minister would expect, we will seek a number of clarifications and, if necessary, any improvements. For today, I congratulate the noble Baroness, Lady Finlay, on her determination and work and wish this Bill all the very best as it continues on its path.

The Parliamentary Under-Secretary of State, Department for Science, Innovation and Technology (Viscount Camrose) (Con): My Lords, I thank the noble Baroness, Lady Finlay, for tabling this Private Member's Bill. Her knowledge and experience of these issues is highly regarded, rightly, on all sides of the House. I also thank all noble Lords who have contributed to this important debate so far. Like the noble Baroness, I call out the Samaritans for their ongoing brilliant work in this area.

As my noble friend Lord Parkinson set out at Second Reading and in Online Safety Bill Committee debates, the Government recognise the devastating impact of suicide and self-harm content, which has affected countless lives and families. We remain committed to addressing this material and giving vulnerable users the protection they deserve. While my department is leading this work, it is part of a cross-government approach which will go a long way to protecting people from suicide and self-harm content online.

I do not wish to repeat recent discussions, but I can assure the noble Baroness that the Online Safety Bill has been carefully designed to ensure that users are better protected from this content, with the strongest protections reserved for children. On top of this, we have tabled an amendment to the Bill to introduce a new self-harm offence, as has been mentioned, which noble Lords will have an opportunity to debate next week in Committee. Further, the powers granted to Ofcom via the legislation will protect users and negate the need for the noble Baroness's Private Member's Bill. Ofcom has the expertise to regulate and enforce the Bill's provisions and implement its own research findings.

I thank the noble Baroness again for bringing her Bill to the House and facilitating this important debate, but I hope noble Lords are reassured of the Government's extensive work in these areas and I hope that the noble Baroness will appreciate that, for the reasons set out, the Government cannot support this Private Member's Bill.

Baroness Finlay of Llandaff (CB): My Lords, I am most grateful for the very generous words of the noble Baroness, Lady Merron, and for her understanding of the background to this. I am also grateful to the Government for the discussions we have had and recognise what has been said. We have more to debate. However, I emphasise that prevention of suicide and self-harm is essential and involves many different government departments and people across the whole of society. At the moment, I beg to move that this Bill do now pass.

Bill passed and sent to the Commons.

Coroners (Determination of Suicide) Bill [HL]

Third Reading

10.47 am

Motion

Moved by ***The Lord Bishop of St Albans***

That the Bill do now pass.

The Lord Bishop of St Albans: I hope noble Lords will grant me the indulgence of saying a few words about this Bill. In so doing, I declare my interest as a vice-chairman of Peers for Gambling Reform and a vice-president of the Local Government Association. I express my appreciation for those Members of the House who have been so helpful. This is the third iteration of this Bill that I have brought before your Lordships' House, and I believe it has been radically improved. I thank my parliamentary researchers past and present, Sam Parker and Chris Grozdoski, and in particular the noble and learned Lord, Lord Brown of Eaton-under-Heywood, and the noble Lord, Lord Wolfson of Tredegar, for their advice and valuable suggestions. I also thank members of Peers for Gambling Reform for their steadfast support as we have taken this Private Member's Bill through your Lordships' House.

This Bill follows nearly a decade's work on gambling reform and is part of a much wider move to protect the many people whose lives are being adversely affected, particularly by online gambling. The campaign for gambling reform is massive. The most up-to-date statistics indicate that there are more than 400 gambling-related suicides each year. That means that, at least once a day, a family loses a son, daughter, husband, wife or someone else to gambling. The campaign to highlight what is going on and work out how to prevent suicides has been hindered because we have so little evidence and so few statistics to inform what we are doing.

This Bill was an attempt to try and get some better stats. I have received many approaches from people and campaigners who see the value of collecting data—not just for those who are campaigning, as I am, for better regulation of online gambling, but other agencies that feel they are hindered because they do not have the data to inform their suicide prevention strategies.

I thank the Minister for his letter to me in which he explained to me why His Majesty's Government are unable to support my Private Member's Bill and how they believe that the use of the prevention of future death reports are the way forward. I will continue to ponder the points he has made and to talk to coroners and other people deeply involved in this complex area. However, I have been deeply encouraged by many people in this House urging me to keep going on this. Therefore, I am delighted that there is a Member of the other place who has been persuaded of the merits of this Bill and will sponsor it through the other place. I know it is not going to become law, but I hope that, having made the arguments, we might find a way to address the fundamental issues—perhaps in amendments to other legislation which will come through Parliament—so we can really try to protect those whose lives are being lost and reduce the devastating consequences on families across our nation. I beg to move.

Lord Ponsonby of Shulbrede (Lab): My Lords, I congratulate the right reverend Prelate the Bishop of St Albans for his persistence on this matter. As he said, it is the third iteration of this Bill. I think it has been improved and has, if nothing else, it has prompted the full engagement of the Government on this matter. As we will hear from the Minister, and as far as I am aware, the Government are taking on board the points that the right reverend Prelate is making, but maybe not in the form of this Bill. Nevertheless, that is progress. In a sense, it shows the power of Private Members' Bills, even when they do not ultimately succeed in themselves, because they are part of a process.

I also urge the right reverend Prelate the Bishop of St Albans to continue his campaign. Gambling is a source of addiction. He has mentioned the 400 suicides each year related to gambling, particularly among young men, and I remember him making that point in previous debates. This is a very important area. The coronial system may be one part of the solution, but I hope to hear from the Minister that there is a wider consideration of how to reduce gambling-related suicides, which are a scourge on our society.

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bellamy) (Con): My Lords, I, too, thank the right reverend Prelate the Bishop of St Albans for, again, providing a valuable opportunity for the House to debate this deeply sensitive issue. I also respectfully commend his tireless commitment to highlighting the need for a better understanding of the factors that may contribute to a person's tragic decision to take their own life and to, in his words, collect "better stats" on this issue in the gambling context. The Government fully recognise the importance of gathering better information on these factors. I thank the right reverend Prelate for the changes that have been brought forward to the Bill, and all noble Lords who have spoken on this hugely important issue.

However, the Government believe that this measure is not quite the right way to tackle these important issues, and I shall briefly explain why. This Bill would require a coroner to record an opinion as to the relevant factors in the case of a death by suicide. That would radically change the nature of the coronial investigation and the nature of an inquest. The scope of a coroner's inquest is to determine who has died and how, when and where they died. The key issue is how—the issue is not why. It is focused on the physical means of death and whether the verdict should be suicide, accidental death, unlawful killing and so forth. The legislation is quite clear that it does not extend to determining the much deeper issue of why somebody died, which may well be a very mysterious and complicated issue, and could date back to some childhood trauma. For that reason, the Government do not feel it is right to extend the coroner's jurisdiction in this way. The Bill, as presently drafted, would extend to all inquests, whether gambling-related or not.

We already have, as the right reverend Prelate pointed out, a mechanism within the coronial system where, if they think fit, coroners can draw attention to particular circumstances in particular cases—the system known as the "prevention of future death" report. That is an option the coroner can pursue; it is entirely up to them, if they feel there are particular circumstances that they wish to make more widely known so that preventive action can be taken in other cases. It is perfectly clear from past case law, and a recent case in the High Court—Dillon against the assistant coroner

[Lord Bellamy]
for Rutland in north Leicestershire—that this is entirely a matter for the coroner, and their principal duty is to determine who has died and how, when and where they died. It is also true that the investigation of relevant factors could be a very difficult job in an inquest, and possibly quite distressing for family members. For those reasons, the Government are not able to support this Bill.

However, there are a range of initiatives that are being put in place to deliver on the Government's commitment to understand better the circumstances that lead to self-harm and suicide and to support effective interventions. In relation to gambling addiction, which is of particular significance to the right reverend Prelate, the Government have recently published a comprehensive package of measures and the gambling White Paper, including a statutory levy to fund enhanced research, education and treatment. More generally, the Government have committed, through the NHS, to a long-term plan to expanding and transforming mental health services in England to support local suicide prevention plans and develop suicide bereavement services. The 2021 fifth progress report on the national suicide prevention strategy is now being supplemented by a new national suicide prevention strategy to be announced by the Department of Health and Social Care later this week. There is more I could say about our commitment to taking forward and improving effective surveillance and prevention, but I hope that I have given the House at least some indication of the important the Government attach to this vital issue.

This House is in the course of debating the Online Safety Bill, which was referred to in the debate we have just had and, in that context, there will be a further opportunity to revisit the issues that have been canvassed today in a general sense. I reiterate the Government's gratitude to the right reverend Prelate for this debate today. I thank all noble Lords for their contributions on this difficult matter.

The Lord Bishop of St Albans: I give my thanks to the noble Lord, Lord Ponsonby of Shulbrede and the Minister. Protocol prevents me from engaging with any of the points the Minister made, but I thank him for the careful consideration he has given. Our discussions will go on as we look to the future. Meanwhile, I beg to move that this Bill do now pass.

Bill passed.

Hunting Trophies (Import Prohibition) Bill

Second Reading

10.59 am

Moved by ***Baroness Fookes***

That the Bill be now read a second time.

Baroness Fookes (Con): My Lords, I declare my animal welfare interests as set out on the register. It will therefore be no surprise to know that I warmly welcome the opportunity to take the Bill through its proceedings in the Lords, it having been ably monitored by Henry Smith MP in the House of Commons. Although it is in the form of a Private Member's Bill, it has government backing, and in fact it implements a commitment made in the 2019 Conservative manifesto—although I have no doubt that that will not endear it to some colleagues around me on these Benches.

To deal briefly with the terms of the Bill, it bans the import of any animal trophy into the UK, with a slightly different arrangement for Northern Ireland. It defines precisely what a trophy is and restricts the ban to the lists set out in the wildlife regulations, which go back to the convention on trade in endangered species. There are two lists, the first of animals in danger of extinction, and the second of those getting close to that point. The Bill also arranges for an expert committee of three to be set up by the Secretary of State. He is under an obligation to do so, but, so far as I can judge, he has no obligation to ask it to advise him. That was added during the Commons consideration.

It is of course important to make clear that the Bill does not prevent any hunter from this country going to any country in the world and, subject to whatever regulations there may be in that country, killing an animal for whatever purpose he thinks necessary. What is prohibited is bringing back any part of an animal to this country as a trophy.

Of course, some of us may have had rather romantic notions about intrepid hunters risking life and limb, trekking through wild country in pursuit of a quarry. That is not what happens today. A business called a hunting outfitter either owns or obtains a lease on land for hunting and then sets up a comprehensive service, which will include lodges for overnight accommodation and food. It will provide every kind of expert equipment or weapons that may be needed, local guides and, I gather, transport to a suitable location where the animal may be found. Furthermore, to the best of my knowledge and belief, most of these outfitters are run by white people of European origin, not by indigenous people from Africa. Let us make no mistake: for those few who enjoy its fruits, this is big business. I can quite understand why they will make every attempt possible to get rid of any threat to that business.

Those who watch the wonderful wildlife films we now see, and have access to the much greater information that science has provided about the wonderful interrelationship of animals and the threats that greatly interfere with it, will wonder why anyone should want to bring back trophies of slaughtered animals that, let us face it, are in grave danger. In this Bill we are not dealing with animals that are plentiful. However small a part the Bill may play, we have to try to ensure the conservation of these precious species.

I know that many of those who speak today will describe various reasons why this is of benefit to the local community and for conservation purposes. I remain to be persuaded. No doubt, a great deal of this information will be provided to me—we shall see. As far as I can see, the impact that hunters have is even greater than taking out species already under threat. One of the problems is that hunters will naturally want for trophy purposes the best that can be found.

Do not tell me that they will be content with culling some poor weak animal; they will want the lion with the most wonderful mane, the elephants with the biggest feet or tusks, or the horns of whatever it may be. The likelihood is that they will take out the best of the species, which unbalances that very delicate ecosystem, as we have seen having a devastating effect all too often.

There is some evidence that because elephants are shot for their large tusks, the elephants that remain are now producing elephants with smaller tasks—evidence of the way in which genes can be manipulated. There can also be other untoward effects, for example when a major, dominant bull elephant is killed. That leaves young males without what might be called the father figure or the controlling figure, and they can run amok. Again, that can destroy a delicate ecosystem.

I could continue with numerous examples of this, but I hope that others of my persuasion will be able to produce their own very relevant examples. I am concerned about the fact that many people in Africa do not share this view of trophy hunting. I would like to bring to your Lordships' attention a letter that I think has widely circulated in the House; I will quote from it. It is a letter with 103 signatories, people who live or work throughout Africa. They include wildlife conservation experts, advocates, community representatives and people with detailed knowledge of what they are talking about. They write to

"express our steadfast support for the Hunting Trophies (Import Prohibition) Bill, sponsored by the Rt. Hon. Baroness Fookes, and to urge you to give the Bill your full support".

Very tellingly, they go on:

"We are well aware that a small number of UK-based academics have been extremely outspoken in the UK media in their defence of trophy hunting in Africa and their associated opposition to this Bill. Although they purport to speak for Africa, they present grossly over-simplified and unsubstantiated arguments, and it is critical for Honourable Members of the House of Lords to acknowledge that they do not represent the views or experience of many scientists and community members living and working throughout the African continent. In addition, many international scientists have voiced their concerns about trophy hunting".

They are speaking about Africa, of course, but it is important to note that the Bill would also apply to other parts of the world. Notably, Canada, which allows trophy hunting, has polar bears at threat of extinction for other reasons, to do with climate change, so it seems utter madness to allow such trophy hunting of these particularly endangered bears.

I am aware that many others want to speak, so I conclude by saying that I believe that the Bill is important and long overdue, and I commend it to the House. I beg to move.

11.10 am

Baroness Jones of Whitchurch (Lab): My Lords, I am pleased to have the opportunity to support this Bill today and to thank the noble Baroness. Lady Fookes, for being such a doughty campaigner on animal welfare issues over the years. As we discussed on the Shark Fins Bill, the Government's method of bringing in animal welfare legislation through a series of Private Members' Bills is not the most desirable approach. Nevertheless, I have a great deal of admiration for the noble Baroness and I am sure that she will steward this Bill through the House with the utmost care and efficiency.

This is a Bill that has considerable cross-party support. The commitment to ban the import of hunting trophies appeared in both the Labour and Conservative 2019 manifestos. The Bill also has huge public support. The British people have made it clear in numerous polls that they do not want the UK to contribute to the suffering and inhumane killing of declining and endangered wild animals in overseas trophy hunts any more. For example, recent polling shows that nearly 90% of people support a trophy hunting ban, with 76% wanting a ban applied to all species. There is huge distaste and abhorrence for the spectacle of people killing magnificent animals for fun and then glorying in the display of body parts.

This so-called sport, with its roots in colonialism, has no place in a modern, compassionate society, and those who continue to partake in this activity, as we saw with the killing of Cecil the lion, are held in contempt by the vast majority of British people. The people involved in this sport are contributing to the decline of some of the world's most endangered species. For example, wild lion populations have dropped to only 20,000 individuals and the previous population of 20 million African elephants has now reduced to just 400,000.

The argument that killing more of these animals somehow helps conservation flies in the face of common sense and does not withstand detailed scrutiny. If we are serious about conservation, we should be developing alternative plans that preserve the declining species and help communities through tourism and alternative forms of employment. The fact is that trophy-hunting tours feed relatively little back into the local economy and there is relatively little trickle-down to those in the local communities. In terms of economic impact, it is estimated to make up only 0.03% of GDP across eight trophy-hunting nations in southern Africa. It is not a sustainable way to bring new investment to local communities.

In addition, we have the spectacle of animals being bred in captivity simply to be shot by inexperienced hunters. This is a long way from the conservation aspirations that some in the sector claim as their purpose. In fact, there is no requirement for hunters to be experienced or proficient at using a weapon, leading to many animals being wounded and dying a long, slow death. The fact is that trophy hunting is a popular practice of a few wealthy game hunters, who are creating specious arguments to try to preserve their reviled sport.

This Bill is one step towards a full ban on the import of animal trophies. However, the UK has always been a world leader in conservation and animal welfare and the Bill represents another step forward in setting an example for other jurisdictions to follow. I therefore very much support it and hope that it can proceed through this House and make it on to the statute book unamended.

11.14 am

Lord St John of Bletso (CB): My Lords, while I personally dislike trophy hunting and for the last 20 years have been a trustee of Tusk Trust, which is one of the largest conservation charities in Africa, I have some reservations about this Bill as currently drafted. I am grateful to the Library for its research note and for the briefing that we had from Professor Amy Dickman and others.

The noble Baroness, Lady Jones, made a good point about canned hunting, which is what I take personal exception to. By canned hunting, I mean when wild animals, mostly lions but often cheetahs, leopards and others, are bred, in a confined area from which they cannot escape, for trophy hunting. This is particularly prevalent in South Africa. In fact, almost 83% of trophies exported from South Africa are captive-bred or non-nature species with neither a national conservation management plan nor adequate data on their wild populations.

I have read a lot of research showing that properly regulated trophy hunting incentivises hunters to participate in conservation programmes and has contributed substantially to wildlife protection. I know that those figures have been queried by the noble Baronesses, Lady Fookes and Lady Jones, but my point is simple: responsible wild trophy hunting has provided income for wildlife conservation and employment opportunities for local communities.

Rather than a blanket ban on the export of trophies, which covers 6,000 species, I would encourage more enhanced sustainable hunting practices and implementing far stricter regulations. A paper released this week by the Global Conservation Forum claims that not one species covered in the Bill will be threatened and that removing trophy hunting revenue without any alternative option will only harm conservation and livelihoods. It is well known that there is insufficient donor finance to sustain these wildlife areas.

Most of what I am saying today refers to Africa and I take on board the good point made by the noble Baroness, Lady Fookes, about wild polar bears. Currently, trophy-hunting concessions cover and protect a vast landscape of rich biodiversity. In Africa, one-fifth more land is conserved under local trophy hunting than in national parks. Those in favour of the Bill as drafted would no doubt argue that the benefits and revenue of trophy hunting can be easily replaced by photo tourism. I am afraid that this is factually incorrect. Almost 90% of African protected areas with lions are already significantly underfunded. If we accelerate the demise of wild trophy hunting without putting in place sustainable revenue that will continue to protect areas, this landscape is likely to be lost to wildlife due to increased settlement and cultivation. I would appreciate the Minister expanding on the role of the advisory board on hunting trophies in Clause 4 of the Bill.

In conclusion, while I do not like the practice of trophy hunting, the evidence shows that properly regulated and managed wild trophy hunting plays an important role in wildlife conservation. We need to explore alternative conservation strategies with more investment in habitat protection, anti-poaching measures, community-based conservation initiatives and education awareness programmes to safeguard wildlife. The Bill as drafted falls far short of these objectives.

11.18 am

Lord Bellingham (Con): My Lords, it is a pleasure and privilege to follow the noble Lord, who knows a lot about southern Africa, and we should respect his views enormously.

I was the original sponsor of the Bill, because I thought that it was well-intentioned and could be made to work. I put my name down and was its sponsor, but I reached the conclusion that it had flaws, which is why I withdrew my name from the sponsorship; hence my noble friend, who made an excellent speech, is sponsoring the Bill. The Bill is well-intentioned. I do not think that anyone can complain about stopping practices of canned shooting, as the noble Lord pointed out, or internet shooting, when you go online and select your target—you may be in America or 1,000 miles away. Everyone agrees that any big game hunting that impacts on endangered species should be curtailed.

On the other hand, the Bill will have unintended consequences. It sets out to enhance sustainability and improve conservation, but it could do the reverse. My starting point is very simple. The Secretary of State, the Minister and the noble Baroness sponsoring the Bill have all said that it is perfectly morally acceptable for stalkers and big game hunters from this country to go to African countries and hunt in the countryside. They also agree about hunting for the Alpine ibex in countries such as Sweden or Austria, hunting markhors in Pakistan or hunting red deer and roe deer in Scotland. No one is saying that is wrong. If the noble Baroness thinks it is wrong I will give way to her, but I do not think she does. As long as the hunting or stalking is sustainable, you have a shootable surplus within the herd, there is a habitat and conservation element, there is local employment, there is a humane killing of the quarry and the meat goes into the food chain—if those criteria are all met—I think we agree that this type of activity is perfectly acceptable.

Trophies are a separate part of the argument. Many hunters will go hunting or stalking because of a love of the countryside and a passion for the sport but are not interested in the trophy, while some hunters will want to bring the trophy back. If the hunting or stalking is sustainable and meets those criteria, and if taking the trophy back home will lead to money going into the local economy through taxidermy or the antlers being mounted on a plaque, local jobs will be created and there will be more money for sustainability and conservation.

A key point is what local communities think about this. I saw the letter in the press yesterday, written by the six heads of mission from southern African countries —South Africa, Namibia, Botswana, Tanzania, Zambia and Zimbabwe. They made it crystal clear that many estates in their countries rely on a particular revenue model based on sustainable hunting. When I was Africa Minister 10 years ago, in the coalition Government, I had the privilege of going to all those countries and many more in Africa. I spoke to many Foreign Ministers, Conservation Ministers, Environment Ministers and

Presidents. They all made the point very clearly: "Please let us judge this issue, because we represent those communities". If we put our feelings on this before those of the communities, many of the communities that have jobs around big game hunting and conservation will look at alternatives such as more intensive farming, which will eat into the countryside and have a negative impact. They might also be less keen to control poaching. So getting the communities on side is imperative. There were comments from honourable Members in the other place that the animals should come before the communities in Africa. Frankly, I find that condescending, patronising and insulting.

There is a way forward. The Bill started out well intentioned. It has unravelled substantially because of the number of experts who have come up with very strong arguments to improve it. We need to move to a licensing system whereby we use the advisory board on hunting trophies and bolt on to it a certification scheme run in partnership with the Joint Nature Conservation Committee, so that in some cases people will be able to apply for a certificate and bring their trophy back. We would then have a Bill that does what everyone wants it to do—curb a small number of bad practices but allow conservation and sustainability to carry on in African countries, which we should not lecture.

11.24 am

Baroness Twycross (Lab): My Lords, I am pleased to support the Bill and thank the noble Baroness, Lady Fookes, for taking it through this House and no doubt withstanding some wrong-minded positions through the course of this debate.

My starting point is that it is almost incomprehensible to most people in 2023 that it is not already against the law to import hunting trophies. For the reasons laid out by the noble Baroness in her excellent introduction, the Bill makes absolute sense. As my noble friend Lady Jones said, this was in both the Labour and Conservative manifestos at the last election. The noble Baroness, Lady Fookes, also outlined the nature of the hunting sector. As she said, it is big business, and opposition to it is about supporting that big business, which has no place in a modern society. Trophy hunting can have adverse impacts on the biology and ecology of targeted species. It risks increasing in-breeding within species by removing reproductive-age animals from the population. I urge the Government not to be swayed by those who wish to see us retain an outdated practice. I was sorry to hear that the noble Lord, Lord Bellingham, has changed his mind.

Those who wish to undermine the Bill suggest that hunting brings much-needed revenue to communities that need it. They pretend that, far from damaging conservation efforts, it does the opposite. They pretend that it is essentially a good thing. If it is such a good thing, why do the vast majority of the population of the countries where this practice continues not support it? As Members will be aware, 68% of people in South Africa are against trophy hunting. We know that in Botswana, banning trophy hunting benefited threatened species such as elephants and brought prosperity to local communities. The ban contributed to the creation of jobs and opportunities by investment in photo safaris instead. There is no real evidence that trophy hunting helps conservation. Most of the money created by the trophy hunting industry never reaches conservation programmes, and nor do local households benefit to any great extent.

Like others, I want a commitment from the Government that they will not back away from their support for the Bill. If they fail to support it, they will essentially be supporting a practice that was described by Members from all sides in the other place as neocolonial. The Government should support the Bill for its considerable animal welfare and conservation considerations and to avoid this country looking like it is failing to move on from attitudes from previous centuries.

In the other place, questions were raised about implementation and how this was going to be enforced at the border to avoid smuggling. This will be key to ensuring that the Bill is not just in statute but is effective. Can the Minister tell the House what training the Government intend to put in place for Border Force? Will they prevent companies advertising and promoting trophy hunting tourism in the UK?

Above all, will the Minister commit to wholeheartedly rejecting the specious and inaccurate claims that have already been made and are likely to be made during this debate in support of the continuation of this vile and totally outdated practice, and will the Government honour a manifesto commitment by supporting the Bill?

11.27 am

Lord Mann (Non-Afl): My Lords, I would like to speak about male obsessions. I am currently trying to climb every Munro in Scotland, a male obsession that is a tradition of this House; consider the noble Lords, Lord Smith of Finsbury and Lord Elder. This summer the noble Lord, Lord Howarth, is about to complete every Munro top—282 Munros and another 300 bits of Munros—in great glory. Why do we do it? We do it because it is there. If any land-owning Scottish Peer of the realm has an obscure bothy that I could borrow, I might get to every one myself in the not-too-distant future. It is a benign obsession, although if I used an urban tradition and tagged my name on rocks on the top of every Scottish hill and mountain—"Lord Mann was here"—it would be seen not as benign but as a problem. Doubtless some quasi-privileges committee would throw me out of here for bringing the House into great disrepute, and rightly so.

Those obsessions are unstoppable. There is a football programme on sale today. Only one is known to exist in the world. It was discovered under floorboards in Leeds recently—a Leeds City 1906 programme. There will be men—I know them—bidding for that. Owning every Leeds United home programme since 1955, I would quite like to have it myself. My wife will be delighted to know that I will not be bidding, because there would be a bit of a domestic if I spent the £5,000 or £10,000 that would doubtless be required to fulfil that obsession.

However, if a Billy Bremner stocking tag from 1974 became available, a large number of people would attempt to purchase it—that is the nature of obsession—

[Lord Mann]
and they are not all men of course. I have never actually seen women buying at a football programme collectors' event, but there will be one or two; it is not entirely men, but there is a psychology to collecting.

I will go to Wrexham at some stage to maintain my membership, which is an entirely theoretical membership, of the 92 Club. I have been to 91 of the 92 Football League clubs and Wrexham has just rejoined the Football League. I have not been there, but I will go, as will others. That is an obsession.

The trophy hunting mentality works in exactly the same way. It cannot be satiated; it is not possible. Those who are collecting will continue collecting not just in Africa but worldwide—the snow leopard or anything else that moves and breathes—because they feel they have to. If I was to take that spray can and tag every Scottish mountain, we would have to use our laws to stop me. That is precisely the logic of this Bill: some people cannot help themselves, so we have to do so for the better good of society and the planet.

11.31 am

The Earl of Erroll (CB): My Lords, this is a well-intentioned but mistaken Bill, which tweaks the heartstrings of many people who do not live among nor manage animals in the wild. They seem to think that a wild animal will live a long, peaceful and contented life if left alone. I am afraid that that does not happen in the real world.

Wildlife must also be kept in balance for the sake of the habitat, or the habitat can be destroyed. I have certainly seen that happen in Africa, many years ago, when elephants wiped out the Maasai Mara for several years and it took some time to recover. So culling will take place: it is part of good wildlife management.

Often, older males who are past their prime and excluded from the herd, group or whatever can die unhappy, cantankerous and alone, while trying to upset the dynamics of the group. Those are the ones that one often wants to cull. They can also make for more interesting trophies, because of their age and seniority, so why not convert the cost of culling to an income and take money from rich people to help conservation?

A hunting safari will employ more local people per tourist, with its few visitors, than big national park photo tourism will ever do. It will also probably employ more experts, who need to know more about the habitat and habits of the animals being hunted. Most of that hunting money will also go straight back into the local economy, because it is being paid directly to the people who manage groups that run safaris. The suggestion is to replace it with government grant aid, which will go in at the top while administrative filters, or whatever you want to call them, leach out a lot of the money so that only a little trickles down into the local area. At least that is the experience of many places.

The noble Baroness, Lady Fookes, mentioned quite correctly that there is already the perfectly good Convention on International Trade in Endangered Species of Wild Fauna and Flora, known as CITES. It has been in operation since 1975. This prevents the import of a trophy from any country where that animal is endangered. Very few species are endangered in every country; you cannot aggregate numbers across continents. In certain areas, there are problems with oversupply and other places are undersupplied. An example that was given to me was of a trophy hunter who might go to Chad to shoot something that is endangered there. First, CITES would not give them permission to import the trophy. Secondly, why would you go to Chad to shoot an endangered lion, when you can shoot better specimens elsewhere? I do not think that happens very often, but I may be wrong. I stand to be corrected.

Poaching, usually done cruelly, has an impact on the gene pool of these animals that is an order of magnitude more serious than that of a few controlled hunters. I am very surprised by the idea that trophy hunting will hugely affect the gene pool because of the number of hunters.

There are an awful lot of experts—and we have been sent this stuff, as well; there are a lot of international signatories to these things—who say that hunting purely for trophies is not a key threat. I have met several representatives from concerned African countries who do not think we should be interfering in their economies and are against the Bill.

Local population management and control is often essential, so why not allow the preservation of an interesting head or trophy? Another interesting thought occurred to me: could there be a new trade or business out there of 3D printing accurate, scanned replicas of trophies? They could then be legally imported or even sold as an NFT.

11.36 am

Lord Selkirk of Douglas (Con): My Lords, last year I made inquiries as to whether the Government were going to show more urgency in honouring their 2019 manifesto commitment to ban the import of hunting trophies acquired from endangered animals. Delay inevitably meant that many more animals, whose future was already under threat, would die unnecessarily and their body parts would continue to be allowed to form degrading and inhumane displays on the walls and floors of various buildings in this country. I am therefore delighted to offer strong support to Henry Smith's Private Member's Bill, to which Ministers have given a fair wind to help its passage through Parliament.

I am extremely proud of my cousin, Dr Iain Douglas-Hamilton, a zoologist and expert on wildlife who was a founding father of the charity Save the Elephants, which is based in Kenya. Of course, local residents must be allowed to defend their families and their rural livelihoods against any threatening or dangerous wildlife, but the preservation of biodiversity is now a great global concern. Elephants, for example, are afraid of African honeybees, so creating fences formed from beehives is one innovative way of preventing them from damaging crops and antagonising local farmers. The charity's aim is to secure a future for elephants in harmony with people, and it has played a vital role in stopping the illegal trade in ivory.

By banning the import of hunting trophies from animals whose future on this planet is of concern, we are not telling other countries what they should do or

how they should act to conserve their wildlife. This legislation applies to the territory of Great Britain, and passing the Bill is our way of making a contribution to the preservation of the amazing variety of animals, with which we share this earth. We are telling the world that we will not facilitate the taking of an already endangered animal's life for pleasure and we will not help a hunter bring home some sadistically obtained souvenirs.

The great moral wrong of trophy hunting must not be justified because some of the money paid to indulge this repulsive practice is reportedly used to help fund local conservation policies. Indeed, there are arguments over how much of such money actually reaches local communities.

A poll in 2020 showed that 80% of the British public support a ban on the import and export of hunting trophies. Those who inflict pain and death on animals for fun or pleasure stand against the tide of history. Future conservation policies cannot be based on disreputable foundations.

There has to be a better way. We must encourage the kind of visitors who care about the welfare of the animals and who travel to Africa and other countries. These are the ecotourists who pay to learn more, in particular about Africa's wonderful diversity of wildlife, and who want to hear from local conservationists as to how they can help to ensure a future for these animals, while photographing and recording their activities. The honourable Member for Crawley, when introducing his Bill, stressed that in a recent poll

"only 16% of people in South Africa supported trophy hunting, and that 74% wanted the Government to focus on nature tourism and photo safaris instead".—[*Official Report*, Commons, 25/11/22; col. 573.]

—shooting with cameras, not guns. That is the kind of responsible wildlife conservation strategy which we should all support.

I would like to end with a story of Androcles, a slave who had escaped and who met a lion in the cave. The lion was in tremendous pain. Androcles took the large thorn out of the lion's paw and subsequently met the lion again at the arena. The Roman emperor was astonished to see that the lion refused to kill Androcles, having remembered that he had helped him a great deal. As a result, the Roman emperor pardoned Androcles from slavery and also freed the lion. Surely that compassion and lasting friendship are the noble values that should uphold conservation policies, not bringing pain, death and damage to our precious planet. Indeed, we should all support this Bill.

11.41 am

Lord Robathan (Con): My Lords, it might amuse my noble friend who has just spoken that I played the lion in the Bernard Shaw play, "Androcles and the Lion", when I was about 10. I was not very good, actually.

I was going to make a speech to ask whether the bien pensant, well-meaning people in this country should know more about this than the people who live in Africa and in those communities? It was illustrated by the letter that was in the *Times* yesterday. I saw my noble friend the Minister a couple of nights ago and told him I had a medical appointment, and he said: "Nothing trivial, I hope?" His hopes are fulfilled. The result is that I cannot be here for the wind-ups so I cannot ask questions, and will not make a speech.

11.42 am

Lord Lilley (Con): My Lords, I was going to say what a privilege it was to follow such a brilliant speech from my noble friend, but I am sure we all know how brilliant it would have been.

I will try to be brief; I find the idea of shooting a noble animal and displaying its head, tusks or hooves on the wall in one's home somewhat repugnant. But if I did wish to ban this practice—and the fact that it is repugnant does not necessarily mean it should be banned—I would begin by banning it at home, and stopping the export of trophies from this country, thousands of which are exported every year to other countries. This Bill does not do that; it leaves us free to do these things within our own country and export these things to other countries but simply bans the importation of trophy animals from abroad, in practice from developing countries.

I respect the passionate animal lovers in this place, not least my noble friend Lady Fookes, who automatically supports any measure to protect animals. But it is another aspect of this Bill that I take issue with. I have been struck time and again, since I have been in this place, by the residual imperialism of the attitudes that prevail. Now, one might expect that there might be a certain nostalgia for empire to linger on in the right but, although we hear incessantly from our liberal intelligentsia about the need to decolonise our minds, institutions and history, and lay down and check our white privilege, it is above all on the progressive left—who I confidently predict will support this Bill unanimously—that these neo-colonialist attitudes linger on and who most need to check their own white privilege and decolonise their minds. This Bill absolutely epitomises that; it assumes that Africans do not know what is in their own interests and cannot run their own countries, and that we have a right to tell them how to do so.

In *Bleak House*, Dickens ridicules this sort of thing as "telescopic philanthropy", a misguided and patronising obsession with far-off problems about which his anti-heroine, Mrs Jellyby, knew little. Indeed, in some ways this Bill is worse than Mrs Jellyby's telescopic philanthropy; she may have ignored poverty at home, but at least she wanted to relieve it abroad. But some of this Bill's advocates are guilty of telescopic misanthropy; they are solely interested in signalling their virtue to their friends, even though the result of their actions can only be to impoverish people far away and put at risk the survival of the creatures they claim to want to protect. They accept that it will deprive some poor people of their income. One very thoughtful letter I have had from an advocate of this Bill said "Oh, it's only £200 million that will be lost", but £200 million goes a long way in a poor country. But that is tough—if they lose their income, it makes liberal white people feel good, and they patronisingly tell Africans who lose their jobs that they can still rely on our aid programmes, which makes white liberals feel better still.

[Lord Lilley]

The Bill's advocates also ignore the fact that it will remove the incentive to protect and conserve these animals from the two great threats they face—poaching and habitat loss—and that therefore some species will be made at greater risk of extinction as a result of this Bill than would otherwise be the case. It is time we recognise that our former colonies are sovereign independent countries; they are the best judges of their own interests, and they have every interest in preserving endangered species. It really is time we help the intelligentsia in this country rid themselves of their liberal imperialism, lay down their white man's burden, and focus on problems which are our own responsibility.

11.47 am

Lord Swire (Con): My Lords, it is a very great pleasure to follow on from some of the speeches we have had so far in this debate today, not least the noble Lord, Lord St John—I second him in his praise for Tusk, an organisation for which I have raised money in the past and of which I know he continues to be a trustee—and the noble Lord, Lord Selkirk, about his cousin Iain Douglas-Hamilton, who I met in Kenya some years ago. I am aware of his work; he was, of course, one of the founders of Save the Elephants. I listened closely to what they said.

I was going to say that I have no dog in this fight, but I thought that might set a hare running. What I will say is that I have absolutely no desire to kill any of these particular animals myself, nor do I particularly like seeing photographs of pot-bellied Texan dentists with sets of improbable teeth kneeling next door to their fallen prey like Cecil the lion. We must all agree that the optics of that sort of behaviour are atrocious. But good legislation looks at unintended consequences not at headlines.

I was taken by the fact that paragraph 37 of the Explanatory Notes to the Bill talks about the financial implications of the Bill. Well, here is the problem: it only alludes to the financial implications of the Bill so far as it affects the United Kingdom. Of course, the financial implications of this Bill are surely about the negative consequences to the finances of those countries which would be affected were this Bill to become law. I note that my noble friend Lady Fookes quoted a letter, which I have just read online, from a whole raft of people across Africa and wider afield. But she did not refer to the letter in the *Times*—yesterday, I think it was—from the high commissioners and ambassadors from Botswana, Namibia, Zambia, South Africa, Zimbabwe and Tanzania, which makes a very different argument.

I gently ask my noble friend whether she has had any discussions with these high commissions and ambassadors, and if not, why not? Frankly, it is condescending to tell these countries how to run their internal affairs and to second-guess them as they struggle to keep poaching under control, very often risking the lives of their game rangers in so doing. What nobody has said so far today is what happens if these animals are not in some sense controlled. If there is no economic interest in preserving them, they run amok, running down crops, endangering lives and villages and becoming prey to even more poaching. That is the reality, so anyone who genuinely cares about animal welfare and the survival of species rather than favourable headlines must, by definition, oppose this Bill.

The British public will be rather amazed that we are debating this with the cost of living crisis, Ukraine and so forth, and I suspect a lot of them are, like me, made uneasy by the somewhat high-handed and neocolonial tone of this Bill. I think they expect better of us, as do those countries that will be affected by it, to which we should say, "We stand with you, we support you, we hear you and we will learn from you. We will work with you, not against you, to help put in place the best possible protocols which enhance conservation." That should be our aim. I rather regret to say that this no doubt well-intentioned Bill does not achieve that. Regrettably, it suggests that if it were to become law, it would ensure the precise opposite.

11.51 am

Lord Remnant (Con): My Lords, it is with some diffidence that I venture out of my natural habitat of the financial services jungle into the open savannas of this debate, especially following the erudite words of my noble friend Lord Swire. This is a debate not so much on the narrow topic of the importing of hunting trophies but on trophy hunting itself, as several noble Lords have indicated today. Any such ban will affect the practice of hunting abroad, which will in turn have a far-reaching impact on conservation efforts. I believe that this will be a profoundly negative impact. I am no supporter of trophy hunting in and of itself, in fact I find it distasteful, but we have to look beyond the narrow picture to the wider canvas.

I am concerned that if this Bill were to be enacted in its current form, it would represent a triumph of emotion over reason. We must respect the rights of countries and conservationists to determine for themselves how best to manage their own wildlife resources. All of them require significant funding to achieve their objectives. The challenges facing the people and wildlife in Africa are greater than ever. We are losing animals and indeed species much faster than the natural extinction rate, and this is caused almost entirely by human activity. This will only worsen as the human population continues to grow and consume ever more natural resources.

The poaching and illegal wildlife trade is the fourth most lucrative international crime after drugs, arms and human trafficking. As a result, the African elephant population, for example, has fallen by more than 30% in the past seven years largely due to poaching. Trophy hunting reduces this threat as the operators generally invest significantly in antipoaching activities which protect both hunted and non-hunted species. Habitat loss represents the greatest threat to the majority of wildlife. The survival of many African species is dependent on healthy habitat, and the demands on land will only intensify with the rapidly increasing population. Arguably, the ultimate conservation challenge is finding a solution that benefits both people and wildlife. The revenue from trophy hunting helps incentivise landowners to

maintain land as wildlife habitat, rather than to convert it into agricultural use or for urban or industrial development.

It is simplistic to suggest that you can just replace this revenue by funding from other sources, such as photographic safaris, because in many cases this is simply not an option in places suitable for trophy hunting. Related to this is the conflict between humans and wildlife. The clearance of land for settlements and agriculture not only results in loss of habitat for wildlife but forces wild animals into close quarters with humans. Retaliatory, or even pre-emptive, killing of lions by the local population has become one of their greatest threats. However, because it generates income, trophy hunting increases the willingness of local people to tolerate dangerous and destructive animals. The income funds not only physical barriers and deterrence but enhances human understanding of the importance of wildlife and how to avoid conflict.

In summary, when local communities, conservationists and other stakeholders see economic benefits to co-existing with wildlife, conservation can, and indeed does, succeed. However, conservation in general is largely underfunded, and wildlife authorities in many countries have insufficient budgets to manage protected areas and the species within them. Whether we like it or not, trophy hunting makes significant contributions to those budgets. Any benefits accruing from the enactment of this Bill will be marginal compared with the serious harm it will do to conservation efforts worldwide. These damaging and doubtless unintended consequences must be avoided. As this Bill progresses, I hope that my noble friends Lady Fookes and the Minister, who always displays total mastery of his brief—possibly up until this morning—will recognise the concerns of many noble Lords and strongly support an approach to achieve this.

11.56 am

Viscount Trenchard (Con): My Lords, it is a great pleasure to follow my noble friend Lord Remnant. I always agree with what he says about financial services, and I am happy to say that I also agree with what he has said today. I respect the motivation of my noble friend Lady Fookes in introducing this Bill. I know she believes sincerely that it will prevent the overexploitation of endangered species, thereby assisting the stabilisation of populations of such species. However, I think that my noble friend is misguided because in the main, trophy hunting is beneficial to local communities in many African countries. It is also much better that affected countries be left to decide for themselves how they manage trophy hunting, and that we should not be seen to interfere.

Furthermore, the Bill would clearly be counter-productive. In Namibia, for example, trophy hunting contributes 20% more to the national economy than the whole small livestock farming sector. It just is not true that it is necessary to ban licensed and managed hunting in order to save species from extinction. Of the 73 CITES-listed species of animals which have been imported into the UK in the past 22 years, none is seriously threatened by trophy hunting. On the contrary, properly managed, licensed hunting assists the good management of wildlife. In the case of many species, culling a quota of older animals is helpful, even essential, for the sustainability of the herd as a whole. It is exactly the same with deer stalking in Scotland, from which many thousands of trophies are exported every year. Does this Bill not show us in rather a hypocritical light? I am sure that many animal rights activists would like to ban deer stalking, but I am certain that the result would be a marked deterioration in the quality and number of healthy wild deer roaming Scotland's Highlands.

I have observed that the keenest participants in field sports are, in the main, the same people who care most for their quarry, the animals. Salmon fishermen have contributed significant resources towards improving our rivers and trying to rescue the Atlantic salmon. If salmon fishing with rod and line were banned, it would do nothing for the salmon or the quality of our rivers. The same logic applies to game reserves in Africa. This Bill would certainly make many managed game reserves economically unsustainable, and the result would be an increase in poaching, less management and less observation of wildlife herds, because the income from photo-tourism and other alternative sources does not begin to approach that which many communities receive from trophy hunting.

I am opposed to this Bill, which I consider unnecessary and, in its effect, harmful to nature. It is also meddling where we should not meddle. There may be ways in which it could be made less harmful, and I would support those, but the best thing my noble friend could do for the future of the species covered by the Bill would be to withdraw it. I have heard that a number of ambassadors and high commissioners from affected countries have expressed concerns about the impact of the proposed ban on the livelihoods of their rural communities and on the conservation of wildlife, even in national parks and game reserves in those countries.

I want to ask my noble friend two questions: first, does she want to ban deer stalking in the United Kingdom? Secondly, how many approaches from ambassadors and high commissioners wishing to meet her to discuss the Bill has she received and how many meetings has she held as a result? She said in her introductory remarks that she remains to be persuaded and that she expected to receive much information today. As my noble friend Lord Swire has also asked, why does my noble friend not meet the representatives of countries affected by the Bill? They are the people best qualified to tell her the facts as they are. I look forward to her winding up and to the Minister's reply.

12.01 pm

Lord Lucas (Con): My Lords, I am a practical person and, for me, the practical benefits for wildlife outweigh any considerations of my sensibilities. My judgment is that this Bill as it is will damage conservation; I therefore support the suggested direction of amendment that my noble friend Lord Bellingham proposed.

The flow of money is important to conservation; we can see that in this country. Let us take the example of the long-standing RSPB reserve Lake Vyrnwy in Wales and the RSPB's recent application for many

[Lord Lucas]
millions of pounds of funding. The RSPB says that, unless it gets all this money in this area of Wales, red grouse, black grouse, hen harriers and waders will all become extinct—and I can understand why. It takes a great flow of money to achieve effective conservation. By contrast, the RSPB, as reported in its publication today, is heavily opposed to driven grouse-shooting—but if you go on a well-managed driven grouse moor, as I had the privilege to do this spring, it is a place alive with waders and, indeed, as a properly managed moor, with raptors too. It is a buzzing ecological community, and that is managed because of all the effort put in to maintain grouse-shooting.

In contrast to the RSPB seeing hen harriers as dying out in Lake Vyrnwy, the picture in England is that we have gone, since 2017, from 10 chicks fledged to 190 chicks fledged due to the collaboration between Natural England and grouse-shooting. The high principles and purity of the RSPB are leading to the hen harrier dying out; the "killers" and their policies are leading to it flourishing. That seems to me to be an interesting parallel to what we are being asked to consider in this Bill. We may not like trophy hunting, but the proceeds of trophy hunting, flowing into a well-managed conservation effort, are immensely beneficial to wildlife.

We are asking African people to live alongside lions and elephants and yet, considering the debates in this country on the reintroduction of the European lynx—a little baby cat—we ought to understand what we are asking of these people. It is not just, "Be nice"; it is, "Do something that will have an immense impact on your life", or, in many cases, "Put your life in danger". People are killed with some regularity by the wildlife in these areas outside reserves. We are asking people to take a huge responsibility. For us, 30 by 30 is nice—it just means more butterflies—but when you talk about more big game and letting it thrive, you are talking about a big impact on your life. We must support the efforts these countries are making to make conservation possible. We must respect what they say is necessary and what they say works and find ways of supporting that.

We might deprecate the people who trophy hunt—it is not something that I wish to do myself—but very many of us watched the first episode of the recent Attenborough series where the white-tailed eagle was hunting the goose. The experience of that is so close to the experience of hunting an animal oneself that I could not separate it. We are built as hunters; we are not descended from rabbits. We are hunters, and that which is expressed as pleasure by trophy hunters is in most of us. We ought to recognise that; they are not something apart but an expression of one aspect of humanity.

I hope we will be able, without too much argument, to amend this Bill to allow whatever structures we think appropriate in this country to collaborate with conservation structures and Governments abroad and allow trophies to be imported from those countries where we are absolutely clear that this is making a substantial contribution to conservation in those countries.

12.06 pm

Lord Reay (Con): My Lords, it is a great pleasure to follow the wise words of my noble friend Lords Lucas and a great privilege to participate in the debate on this Bill brought forward by my noble friend Lady Fookes, for whom I have great admiration—and I am not just saying that as I happen to be her Whip. Her passion for the welfare of animals is well recognised.

On the topic of hunting after sporting trophies, I am sure the House would join me in extending the best of wishes to Ben Stokes and his England cricket team as they commence today their bid to regain the Ashes urn.

I support the intentions of this Bill to protect endangered wildlife but fear that, as currently drafted, the unintended consequences will have detrimental effects on conservation efforts, not to mention livelihoods, in Africa and elsewhere. As we have heard from several noble Lords, regulated trophy hunting plays a significant role in funding conservation initiatives, particularly across the African continent. Hunters who legally acquire permits contribute substantial amounts of money to local communities and conservation organisations. These funds are used to support anti-poaching patrols, assist with habitat protection and benefit the overall management of wildlife areas.

A ban on the importation of hunting trophies will inadvertently deprive these communities of a vital source of revenue. This loss of fee income, jobs and indeed animal meat, will severely impact conservation efforts, leaving wildlife populations vulnerable to poaching and habitat destruction. Without adequate resources, Governments will struggle to employ game rangers, invest in surveillance technology and implement effective wildlife management strategies.

This is precisely what happened in Botswana after the Government introduced a hunting ban a decade ago. The policy resulted in the displacement of communities due to income reduction and the destruction of habitat caused by the absence of land management. It was evident that not only does photo tourism fail to fill the income gap but it tends to take place in more accessible landscapes. Thankfully, the Government there recognised the damage caused and reversed the ban, and mammal numbers have improved. Kenya, on the other hand, has lost 70% of its wildlife since hunting was banned in 1977.

The main threat to wildlife globally is the conversion of land from wildlife habitat to agriculture or industrial development. Revenue from trophy hunting helps to incentivise landowners to maintain land as a wildlife habitat. When carried out under strict regulations and quotas, trophy hunting can also contribute to and enhance the preservation of species. By targeting older post-reproductive males, hunters can play a role in population management, ensuring the genetic diversity and long-term survival of species. This has been demonstrated in various African countries, including Namibia, where well-regulated hunting programmes have resulted in a more abundant elephant population.

The Bill would be more acceptable if it permitted the import of trophies from places where it could be shown that hunting makes a positive contribution to

conservation and local livelihoods. That would be in line with the approach taken by the US authorities. Import certificates could be granted by the JNCC, the UK Government's scientific advisory board for nature conservation.

The UK Government, in response to the potential harm caused to the livelihoods of communities affected by the Bill, have suggested that aid should be used to mitigate the loss of income. History and experience demonstrate that such aid is rarely, if ever, delivered to the right place. Aid initiatives often fail to create jobs, frequently fuel corruption and render the recipient state dependent on foreign donors.

This legislation also creates certain inconsistencies. An elk hunter in northern Europe, for instance, where hunting is highly regulated and state quotas ensure that numbers do not get too high or too low, would be banned from importing elk antlers into the UK. However, as we have heard, a red deer stalker in Scotland is rightly allowed to export stag antlers from this country.

The proposed Bill will have severe consequences for international conservation efforts. By cutting off a significant source of funding, the legislation will weaken anti-poaching measures, hamper wildlife management and jeopardise the livelihoods of local communities. It is crucial that we recognise the importance of sustainable hunting practices and work towards collaborative solutions that balance conservation goals with the needs of local communities. We should strive to protect and conserve Africa's and other continents' remarkable wildlife heritage for generations to come.

12.12 pm

Lord Hamilton of Epsom (Con): My Lords, this is a very bad Bill because, while we all support what it is trying to achieve, which is to ensure that endangered species of animals do not become extinct, it will actually achieve the opposite if it takes effect in the way that is intended.

I am going to talk about Africa. I shall start at the beginning. Population growth is finally stabilising in this world. It will probably top out at about 9 billion. One of the reasons for that is that, with better health services in China and the one-child policy, it looks as if the Chinese population is not growing any more, and India is closely following. The exception to this is Africa, where, for many reasons—I suspect it is the inadequacy of health services as much as anything—populations are still growing exponentially. I shall therefore concentrate most of my remarks on what is happening there. There are trophy hunters who export trophies from countries such as Pakistan, Turkey, Mongolia and indeed of course the United Kingdom. As many people have mentioned, we export a large number of trophies, mostly from people who have shot red deer.

I would love to be able to say that I am not a trophy hunter and it has never appealed to me as something I want to do, but actually I have shot a significant number of red stags in Scotland and have on occasion taken their horns down to England, where I live. I therefore suppose I have to qualify as a trophy hunter—it is quite difficult to say that I am not one—but it has certainly never appealed to me to shoot a magnificent beast in Africa. But, of course, it does bring significant income into those countries.

As we know, the growing populations of many of these African countries mean that the demand for land is getting greater all the time. You preserve endangered species from the predations of man only by having conservation areas, and they cost serious money to maintain. Indeed, where the whole essence of a conservation area breaks down in civil war, of which Africa has had far too much experience, invariably what happens is that poachers run wild, the predations of man get much worse and endangered species decline as a result. So we must do everything we can to ensure that as much finance finds its way into these areas as possible. For that reason, if we have qualms about trophy hunting in these areas, we should suppress them, because it is channelling funds into areas of Africa where they are most desperately needed—and where in many cases the populations of endangered species are actually growing rather than shrinking, which is an essential requirement if we want to ensure that they do not become extinct.

A noble friend of mine who has now left this House produced a special breed of pig. He always said that if you wanted to keep a special species of pig, the best thing to do was to eat it. I am afraid we have a very complicated relationship with animals, because we do eat them in prodigious quantities, and for that they have to be slaughtered. We cannot get away from that contradiction, with which we live in this country, and our complicated relationship with animals, because at the end of the day we have to manage wildlife in a way that keeps them in existence and enhances their prospects of living on this planet with us. If we do not do that, we will lose everything.

12.16 pm

Lord Hannan of Kingsclere (Con): My Lords, consider the tale of two African countries. In the late 1970s, as we have just heard, Kenya banned the hunting of elephants and the sale of tusks and saw an upsurge of poaching to such a degree that elephants were almost wiped out in that country. At almost exactly the same time, Zimbabwe—or Rhodesia, as it still was for a couple more years—made elephants the property of whoever's land they were roaming on, with the result that there was an upsurge in numbers because, as Aristotle teaches, that which no one owns, no one will care for.

It can take an effort of will in a country like this to imagine what it is like to live next to some of these large mammals. We encounter them even before we go to school. They are presented to us in the first books that we see as toddlers, smiling, colourful and anthropomorphised. Then we come across them later as teenagers in documentaries, endangered, handsome and gracious—but of course that is not exactly how they seem when they are next door to you. A lion might carry off a child. An elephant will trample crops and possibly push over your dwelling. Rhinos and hippos are more dangerous still. Even the giraffe, which looks so graceful when we see it on television, competes for scarce water resources with local herders.

[Lord Hannan of Kingsclere]
So, if we want to preserve these animals and their habitats, we have to give local people an incentive to treat them as a renewable resource—in other words, to give them an incentive financially by being able, in a licensed and qualified way, to sell tusks, hides and, yes, hunting licences.

When South Africa decided to do something about the decline of white rhinos, it became almost the only place in the world where numbers stopped falling; 80% of white rhinos, which were nearly extinct in the rest of Africa, are now found in South Africa because it used trophy hunting and the revenue therefrom as a way of incentivising local people to become custodians—each to become a gamekeeper, if you like.

Last year I had the great privilege of spending some time visiting the northern parts of Pakistan, with beautiful, austere landscapes where there is an unusual mountain goat called the markhor, which has amazing screwdriver horns like a drill. It is a most magnificent animal. In the 20th century it was this close to extinction, with fewer than 500 left. The Pakistani authorities then began to auction a very small number of hunting licences, three or four a year. They now fetch immense sums: $500,000, or upwards of that in some cases. That money is reserved for the local communities. The people in those communities then make damn sure that no one comes near any of those animals, except the elderly post-reproductive ones that are marked for hunting. People who previously had no incentive to look after the numbers have, if you like, all become rangers in a way that overstretched Governments are not able to do. We made it everybody's business.

This, it seems to me, is a question which pits aesthetics against intellect. It pits how we feel about something, our sentiment, against what we think is most in the interests of endangered species. Like my noble friend Lord Swire, I do not particularly like the image of American dentists squatting by fallen lions. Maybe it is that we all have a problem, on some deep psychological level, with dentists—I do not know. But it is not fundamentally for us in this House to consider the aesthetics; it is for us to consider the effects. Above all, surely that is why we are here: as a check on the radicalism of the popularly elected Chamber. It is exactly our job to think about the effects rather than simply about the headlines.

There is a difference between saying, "I disapprove of this thing", or even "I find this thing unspeakably ugly", and saying, "Therefore this thing should be banned". That is not just a semantic difference. The difference between those two things contains the entirety of what we mean by a free society.

12.21 pm

Lord Mancroft (Con): My Lords, it is always a privilege, and a very exciting one, to follow my noble friend Lord Hannan. I never know where his speeches are going to take us, but they never disappoint.

This is a very short Bill and it contains only one measure, which is to prohibit, as we know, the importation of hunting trophies. Trophy hunting is perceived by the Bill's sponsors as a threat to a number of important species and they consider that prohibiting the import of their trophies will reduce the amount of hunting and thus assist in conserving those species—it is pretty simple. The restricted species, as we know, are set out in annexe A or B of the principal wildlife regulations, as described in Clause 2.

Annexes A and B includes over 6,000 species. As I am sure your Lordships will know, they include 2,000 corals, 585 lizards, 300 hummingbirds, 299 frogs and 96 molluscs—I could go on. None of these, by the way, are hunted. In fact, only 53 of the species have been imported in the last 20 years, amounting to about 100 trophies per annum. Just to put that in perspective, it is estimated that 96 elephants are poached every day.

The Bill, if enacted, will have so small an effect as to be of no practical benefit whatever. Not to put too fine a point on it, it is completely pointless and nothing more than symbolic. In addition, while some of the animals from which those 100 trophies come are endangered, none of them are endangered by trophy hunting. There is also the law of unintended consequences. Opponents of this Bill have argued that there is a significant negative consequence that far outweighs any miniscule benefit. They have produced substantial evidence that the revenue derived from trophy hunting safeguards habitat and pays for the prevention of poaching. The Bill's supporters, on the other hand, argue that the revenue is insignificant, does not achieve these benefits and, when it reaches local communities, it is of no consequence.

Your Lordships always have to sift through the evidence and weigh up the arguments. No politician can know everything; one of the skills we have to develop is sifting through the information we receive. In the last few days, as my noble friend Lady Fookes said in opening this debate, we received a letter from the Humane Society International UK—an offshoot of the Humane Society International, which is a leading animal rights organisation. It raises a lot of money and is a lobbying organisation, but it is not engaged in conservation. I am sure all your Lordships looked carefully at the signatories. There were apparently government officials and conservationists, but I could not find many of those. I saw several human rights activists, some pastoralists—I am not sure what they are—a teacher and one chap who rather bravely described himself as a scholar. The most well-known signatory is Dr Ian Khama, the former president of Botswana, who was indeed responsible for banning trophy hunting in 2014, but that ban was lifted by Botswana's present Government in 2019. The acting Botswana high commissioner, who was kind enough to come to this House to brief us the other day and meet colleagues, has made it clear that his Government do not support this Bill.

The reason why so many African countries and the leading conservationists from Oxford University, the University of Gloucestershire and the International Union for Conservation of Nature, which is the world's leading organisation in the monitoring of species and advises Governments, including our own, are so concerned about the Bill is simple. Their opinion, which is supported by research, hard evidence and examples, is that the income from trophy hunting does have a significant effect in protecting habitat, deterring poaching and

incentivising local communities to accept wild animals as a beneficial resource. Without trophy hunting, habitat where hunting currently takes place will be lost. In its place, there will be increased development, particularly of agriculture, along with an increase in human/wildlife conflict and a rapid rise in poaching. It is those, rather than hunting, which threaten the survival of species.

It is clear the Government accept that there is likely to be a drop in income if this Bill proceeds because, in her letter to the Namibian high commissioner on 25 April, the Defra Minister, Trudy Harrison, wrote:

"As you will know, DEFRA has a suite of programmes aimed at protecting and restoring nature, contributing to poverty reduction in developing countries, and supporting local communities … This funding far exceeds any financial benefits for conservation that may currently be derived from the small number of hunting trophies imported into the UK".

When he comes to wind up the debate, will my noble friend the Minister confirm that it is now the Government's policy to enact measures to create poverty in developing countries and then simply substitute grant aid for the lost income? I find that very difficult to believe.

There have been some pretty unpleasant accusations about post-imperial policies, about patronising attitudes towards former colonies and even a racist tone in some of the comments made. I find those deeply uncomfortable, but I also find it difficult to ignore or deny them. What I can do is to quote a letter from the official representatives of Botswana, Namibia, South Africa, Tanzania, Zambia and Zimbabwe to my right honourable friend Andrew Mitchell on 25 May. They said:

"While respecting the Minister's opinion, we regret to inform that we take exception to this position that it is tantamount to subjecting those likely to be adversely affected by the Bill, to a beggar-like dependency on external support for their livelihood. We do not find it appropriate to relegate these proud, hard-working communities who have successfully forged a coexistence with nature to a position of surviving through aid".

Nevertheless, against my better judgment, I am persuaded by the conservationists I have spoken to and the representatives of the various African Governments that the Bill probably should proceed to the statute book, with only a small but hugely important tweak. In Committee, I will seek to move an amendment which has been described as the "conservation amendment". It would allow that, if there was a demonstrable conservation benefit—I stress, a demonstrable conservation benefit—from the hunting, a trophy could be imported. It would require a permit from the JNCC, which is the Government's scientific adviser and currently issues all the CITES permits. It has already confirmed that it has the capability and resources to do this. This would allow the Government to surpass their manifesto commitment.

This simple amendment will address the concerns of those scientific conservationists who have been critical of the Bill. I believe it will also satisfy the African, eastern European and Asian Governments who have been unanimous in voicing their concerns. It will turn the Bill from one that will do much more harm than good into one that will genuinely advance the conservation of vulnerable species. I look forward to meeting my noble friend Lady Fookes and the Minister to work with them to get this Bill on the statute book in a way that we can all support.

12.28 pm

Baroness Sanderson of Welton (Con): My Lords, it is a pleasure to follow my noble friend Lord Mancroft and I am very pleased to hear that he would like the Bill to reach the statute book, for I rise to speak in support of it and of my noble friend Lady Fookes.

I am not going to go over the arguments as to whether trophy hunting is important for conservation. As we have heard already, plenty have used the science to say that it is and others have used it to say that it is not. Frankly, I very much doubt that either side will change its mind by listening to the evidence put forward by the other. Instead, there is another and more fundamental question to consider. It is whether we really believe that, in this day and age, trophy hunting can be seen as a reasonable endeavour, even in the name of conservation, as its supporters claim.

Many in this Chamber have talked about how distasteful this is as a practice. We have not actually spelled out the reality, so I will take a minute and go through what it means. A group of men, sometimes women, will pay to go on what seems, on the face of it, to be a standard safari. There is a nice lodge, a glass of wine and plenty of time to relax in between game drives, but there the similarities end. You do not have a guide on these drives; you have a PH—a private hunter—and there is a difference. A safari guide has to learn how to interpret and be respectful of the wilderness and its wildlife. They are the link between nature and guest. A private hunter just has to know how to hunt. What they really need to do is make sure that, if their clients miss, they can tell them where to shoot next. In truth, that is the only tricky bit. It is called hunting but very often there is no chase, and it does not take great skill.

I asked the South African wildlife journalist and academic Dr Adam Cruise, who is here today, to tell me a bit about it, as he has been on many of these hunts. He explained:

"The animals are used to the vehicles and the elephants and the lions don't run anyway. It's as simple as going out, seeing the zebra, say, getting out of the jeep, taking a few steps and shooting the zebra—if they get it wrong the first time, which they often do, the PH is there to guide them ... bit lower, bit higher … while the animal writhes on the floor. It can often take them 10 or 15 minutes to die but when the job's finally done, the staff clean off the blood, the client has his picture taken, jumps back in the jeep and the team will either put the animal in the back if it's small enough or chop off the head if it's a lion or an elephant and leave the carcass behind."

He went on to talk about one hunt he was on:

"A lot of the animals are bred for the purpose so even something like a rhino can be quite tame—"

Lord Mancroft (Con): My Lords, I wonder if my noble friend would be so awfully kind as to give way? What she is saying is very interesting, of course, but she is talking about canned hunting in South Africa. That is not the subject of this Bill.

Baroness Sanderson of Welton (Con): I am not talking about canned hunting. I am talking about the experience of an academic and journalist who has been on many different types of hunts, including canned hunting. I am not talking only about that, so if my noble friend would let me finish, I would be grateful.

[Baroness Sanderson of Welton]

It is reasonable that, if we are going to talk about this, we talk about the reality of it. Dr Curtis went on one hunt where the rhinos were grazing around the chalets. He asked the client, "Which one is next on your list?" Pointing at Dr Curtis's hand, which was stroking the rhino's head because it was so tame, the client said, "That one". I take the time to speak about this because, when I hear such things, I just think that there has to be a better way.

I would say to my noble friend that I am not some woke warrior. I do not think that this can be compared to a grouse shoot. I am not even a vegetarian, and maybe there is hypocrisy in that. However, I think that the killing of these magnificent animals for no purpose whatever is sickening. We have some children here today. My godchildren will not go to a zoo because they do not like to see wild animals caged up; they would rather watch Attenborough on television. The world is moving on.

As has been said by many in this Chamber, nobody here wants to go on these hunts; they want to support conservation, and I appreciate that. However, I point out that only 11 of the 54 countries in Africa allow trophy hunting. It is true that some of them do not have the game to support it, but Kenya does—admittedly in reduced numbers, as my noble friend Lord Reay has pointed out—as do Malawi and Ghana. They face the same problems with habitat and want to protect their communities. They want to support them but they do not want trophy hunting on their land. Does this not rather disprove the point that trophy hunting is a necessary evil? It is not; it is a choice.

In this country, we are doing something smaller in scope. Some noble Lords have argued that it is so small that it is nothing more than virtue signalling. Others have said that it is not small at all and that its impact is quite damaging, and that it is not up to us to tell other countries what to do. On the latter point, I agree that it is not up to us to tell other countries what to do, but we can, as a country, take a stance. I think we can take a stance on this pathetic sport. That is not virtue signalling; it is the right thing to do.

12.34 pm

Lord Howard of Rising (Con): My Lords, many heartfelt arguments have been put forward in favour of the Bill, and I respect them greatly. My sympathies are with the animals. I have been hugged by a fully grown tiger, walked with gorillas and had close contact with other large animals. I have no wish at all to ever hunt one, let alone import a trophy, but, however much anyone might be emotionally in favour of the Bill, I do not believe that it will contribute to the preservation of wildlife.

As was said, there is clear evidence that, where controlled hunting of wild animals is permitted, there is considerably enhanced conservation—more wildlife and more habitats. The payments for hunting are such that it enables an area to be properly patrolled and for the animals to be properly protected and not overhunted. As was said, it is obvious that, where this income and livelihood exist, steps will be taken to ensure that animals are preserved so that they continue.

I had first-hand experience of this when I lived, for a year, one mile away from the northern part of the Kruger National Park, over 100 miles away from the nearest tarmac road. Within the boundary of the heavily patrolled park, where there were strict controls on entry, there was very limited poaching. Outside of that boundary, poaching was rife, not just for trophies but for the meat, which was considered highly desirable by the local residents.

There is also the question of whether we in this country should take action that could go against how the Governments of other countries wish to run their affairs. Representatives of countries where hunting is permitted are here today, and I hope that they will realise that not everyone wishes to impose their own values on the countries concerned but are happy to leave them to manage their own affairs. It might be possible to understand and sympathise, but there is a clear danger of the loss of the species. Under the present rules and the way things are managed, there is no danger of such a loss. As many pointed out today, allowing big-game hunting in a controlled fashion works to preserve the animals concerned.

12.37 pm

The Earl of Caithness (Con): My Lords, this has been a fascinating debate. I have no interest to declare except that I have a passion, just as great as that of my noble friend Lady Fookes, for nature, conservation and biodiversity. As I had no knowledge of what trophy hunting was really about, I sought to educate myself over the past months. What were my conclusions? First, there is far too much focus on Africa alone. Secondly, rational discussion is impossible—the sides are too embedded—but I will come back to that. Thirdly, no one really seemed to understand what we are talking about with this Bill.

As some have said today, the Bill talks about just over 6,000 species, but the only species that have been mentioned are lions, elephants and markhors. What we import is 0.1% of the 6,000 species subject to CITES control. It is therefore no surprise that my noble friend Lady Fookes did not wax lyrical about the tree snail, because it is extinct—it is still protected by this legislation but we are talking about a past species. Another conclusion that I came to is that canned hunting should be banned, and one good thing we could do is alter the Bill so that it reflects that wish.

During the numerous conversations I have had with both sides on this, I was sad that so many of the arguments are contradictory and how much they change as soon as facts are provided. I am in good, detailed discussions with the Born Free Foundation at the moment, and have received another letter from Dame Virginia, which is highly contradictory; I will reply to it as soon as I get time to get back to my computer. Having contradictory arguments does not help the case of those who wish to stop trophy hunting.

I will pick up some points that have been mentioned. My noble friend Lady Fookes mentioned the letter. It was very sad that the so-called experts said that the case for trophy hunting is

"promulgated by certain conservation scientists, many of whom have proven funding ties to the trophy hunting industry".

That is not an accurate statement. Also, those in glass houses should not throw stones. A lot of the pro-trophy-hunting NGOs fund scientists. I believe that our scientists, whether they are funded by one side or the other, in large or small part, are above being influenced by that organisation.

My noble friend also talked about elephants producing smaller tusks. There are a lot of problems with the number of elephants killed—96 a day—while we import, under CITES control, about six year a year. What a huge difference.

The noble Baroness, Lady Jones of Whitchurch, talked about the derisory 0.06% of GDP. That is twice what the UK fishing industry brings into this country. I am sure that my noble friend the Minister would be very happy to say goodbye to the fishing industry using the same argument as the noble Baroness.

The noble Baroness, Lady Twycross, fell back on an argument that has been put to me so many times: that, as soon as one is challenged on fact, one relates back to an ethical argument on a moral issue. The moral issue is that there should be no shooting. When I put that argument in relation to red deer in Scotland to the NGOs, they do not want to discuss it with me.

My noble friend Lord Selkirk talked about ecotourism. Tell that to those in Tajikistan. They do not have a wildebeest migration that brings in 300,000 people a year; they do not have the roads that my noble friend Lady Sanderson thinks that one can get access to; they do not hunt in the way that you do in a tame place in Africa, where you can walk for miles and might not get a shot at all. I am glad that my noble friend Lord Hannan referred to the markhor. It is by local conservancy set-ups and hunting in Tajikistan that the snow leopard is thriving in a way that it has not done before. That is because there is now enough food for it.

We know there are three basic ingredients to good biodiversity management: habitat, feed and predation. We in this country are talking about increasing and making wild belts as the green lungs for our national parks. The hunting conservancies in parts of the world are those green lungs that we wish to establish—1.3 million square kilometres, one-fifth more than national parks. We do not want to destroy that.

Trophy hunting is not, and has been proved not to be, a major threat. Habitat and prey loss and conflict among people are much more important, and the Bill does nothing to help with that.

12.44 pm

Lord Rennard (LD): My Lords, I shall begin my contribution with six words very rarely used by me on these Benches: I support the Government on this. There are some people, including some here, who have been busy praising Boris Johnson in the manner of Shakespeare's Mark Antony's funeral oration following the murder of Julius Caesar. They ignore the line

"The evil that men do lives after them",

and heap praise upon him for his election victory in 2019. But as the noble Baroness, Lady Fookes, said, they should all remember that this Bill was part of the manifesto commitment of the Conservative Party in that election. As the noble Baroness, Lady Jones of Whitchurch, confirmed, it was in Labour's manifesto to support a Bill such as this. I can confirm that my party's manifesto supported a ban on the importation of hunting trophies, albeit with reservations.

We should all note that the Bill was supported without opposition in the House of Commons, where a substantial majority of MPs was elected on the basis of the Conservative manifesto. The *Daily Mirror* reported this as, "Victory over cruel hunters", and it was. The *Times*, in an editorial in 2019 said:

"Killing lions bred in captivity for fun is heinous and should be stopped".

It is four years since Cecil the lion was killed by a Minnesota dentist, prompting an international outcry against big-game hunting. The public are firmly behind the Bill. A survey of 2,000 adults found that 86%, almost nine in 10, were in favour of banning trophy imports as soon as possible, rising to 92% of Conservative supporters. Anyone who wants to see film illustrating the cruelty of the industry can see videos on Twitter, using the hashtag #BanTrophyHunting, or find them on YouTube.

It is important to understand that only around a dozen African countries currently permit trophy hunting, and that the contribution of trophy hunting to their GDP is minuscule. It means that the economic productivity of these blocks of land is actually very low, and that hunting is not an economically sustainable land-use solution.

We have heard expressions of support from all parts of the House today for the welfare of wild animals. The International Fund for Animal Welfare told me this week that it is opposed to trophy hunting. It believes that it cannot be justified as a conservation measure and that the economic contribution from trophy hunting cannot be shown to adequately protect endangered wildlife and local livelihoods compared to alternative positive conservation measures.

It is very misleading to suggest that hunting businesses are about supporting poor people in Africa. A survey by the United Nations and a pro-hunting group found that hunting companies contributed only 3% of their revenue to communities living in hunting areas. The issue is not about charity but about profits. Millions of dollars are being spent on lobbying to protect those profits—profits that are derived from cruelty, not sport. As the noble Baroness, Lady Twycross, said, it is big business.

We have heard several noble Lords today say that they support the aims of the Bill but consider that it requires some form of amendment. I simply say that I have sat here on many Fridays supporting Private Members' Bills seeking to end the ludicrous process of holding by-elections for new hereditary Peers, but they have all been thwarted as a result of unnecessary amendments being tabled. We should all be aware that any amendments passed by your Lordships' House would also need to be agreed by the House of Commons, and that no more sitting Fridays are scheduled in the Commons for such business to be considered. Therefore, any amendments passed in the Lords would have the practical effect of killing the Bill.

[Lord Rennard]

The noble Lord, Lord Robathan, albeit very briefly, and the noble Lord, Lord Lilley, suggested that this Bill is about colonialism and is an issue for the liberal intelligentsia, but they ignore what Conservative voters actually care about. The views of Conservative voters forced their own party to scrap plans to repeal the Hunting Act during the 2017 general election.

I draw the attention of the House again to the letter from 103 wildlife conservation experts, scientists, government officials and community leaders who live or work in different parts of Africa, in countries such as Botswana, Tanzania, South Africa, the DRC and Zimbabwe. They urge all of us to back an import ban on the prizes of what they call the "morally reprehensible colonial relic" of trophy hunting.

Will the Minister confirm today that business managers in the Commons will guarantee time for any Lords amendments to the Bill to be considered? If not, we will know that any talk about amendments is really talk about killing the Bill, as well as killing animals for fun.

12.51 pm

Baroness Hayman of Ullock (Lab): My Lords, I thank the noble Baroness, Lady Fookes, for bringing this forward today and Henry Smith MP for steering it through the other place. This is clearly an issue on which there are strong feelings. It is clear from this debate that there are strong views on each side and, frankly, I do not think there is much room to come together in the middle. When the noble Earl, Lord Erroll, was talking about old cantankerous males, I wondered whether he was actually referring to some Members of the House of Lords—let us hope not. I thank the noble Baroness for her very powerful introduction to this Bill; her passion for animal welfare brings her huge respect across the House.

I remind noble Lords, as others have done, that the proposed ban has widespread support from the public and, as we have heard, clear cross-party support in Parliament. As noble Lords have said, it was in the manifestos of major parties. Action against this terrible sport—if you can call it a sport—has already taken place across the globe. France and Australia banned the import and export of lion hunting trophies in 2015 and the Netherlands banned trophy imports of more than 200 species in 2016. The noble Lord, Lord St John of Bletso, talked about canned hunting in South Africa. A few years ago, as I am sure he is aware, South Africa unveiled plans to terminate its multimillion-dollar lion-breeding industry, which supplies lions for trophy hunts as well as for tourism and traditional medicine. If there is one point of agreement in this debate, it is how appalling canned hunting is.

I will pick up some of the main points that have been discussed. We have discussed that hunting supports conservation and local communities. We believe that trophy hunting can have detrimental effects on wildlife populations, especially when conducted irresponsibly or without proper regulation. Some endangered or threatened species may be targeted by trophy hunters, exacerbating their decline and hindering conservation efforts. Trophy hunting has a history of mismanagement, with quotas based on inadequate data, unsustainable hunting quotas and a lack of transparency. The economic benefits generated from trophy hunting have also often been overstated, with only a small proportion of the revenue actually reaching local communities or conservation programmes. Such assertions are data-deficient and have been shown to be false whenever even the most basic interviews with communities and independent analysis are conducted. If such funds reach local communities, they are entirely negligible for conservation efforts compared to the damage inflicted by the industry through the irreversible loss of key natural resources.

There has been much talk about evidence and experts, on both sides of the argument. From my reading and research, the argument that trophy hunting is necessary for conservation funding does not seem to stand up to scrutiny. Surely, it is simply counterproductive to the overall idea of conservation. Why do you need to shoot something you are trying to protect?

Trophy hunting can also disrupt the delicate balance of ecosystems, as noble Lords have mentioned during the debate. We have heard that removing key individuals such as dominant males can lead to social instability in animal populations, affecting their reproductive success and overall health, and that this imbalance can have a cascading effect on the ecosystem as a whole.

There is a wide variety of targets a trophy hunter may focus on. However, the most common targets are the African big five: the African elephant, the Cape buffalo, the African leopard, the African lion and the black rhino. Four of these majestic animals are currently considered to be endangered. In the sport of trophy hunting, it is also common for hunters to find the largest and strongest male. A number of noble Lords have talked about the impact this can have on the gene pool for such species, leaving each generation weaker and making it more difficult for them to survive in the long term.

Although hunting groups will claim that controlled trophy hunting does not harm populations, that evidence seems to show that the opposite is true. Approximately 600 African lions are killed every year on trophy hunts, including those in populations that are already declining from other threats. The adult male lion is the most sought-after trophy by wealthy foreign hunters; shooting an adult male, such as Cecil, can generate a one-off trophy fee of around $15,000.

Let us have a further look at the economics. In its report *Big Game Hunting in West Africa*, the International Union for Conservation of Nature says:

> "Returns for local populations, even when managed by community projects … are insignificant, and cannot prompt them to change their behaviour regarding poaching and agricultural encroachment. The number of salaried jobs generated (15,000 all over Africa) is low considering that 150 million people live in the eight main big game hunting countries, and that hunting takes up 16.5% of their territory."

Hunting also directly competes with and undermines truly sustainable and economically important revenue generation from alternative means such as ecotourism and photographic. The noble Baroness, Lady Sanderson of Welton, gave some examples of this. Just because the alternatives for economic development may not necessarily work to begin with does not mean that

more work should not be done and they should not be invested in and developed for the future. There is no reason why they cannot generate revenues to cover the real cost of conservation and effective anti-poaching work, as well as providing well-paid permanent jobs for local people without causing harm to animals.

Poaching has been mentioned at length in this debate. We need to recognise that trophy hunting, as well as being cruel and unjustifiable, in my mind, can act as a cover for illegal poaching. While a certain amount of regulation does take place, it is not enough to prevent trophy hunts being used as a cover for poaching. According to a report entitled *The Myth of Trophy Hunting as Conservation*, by Save African Animals,

"Opening up even a limited legal trade creates a smokescreen for poachers which is almost impossible to police."

Let me draw a comparison with whaling. Before the whaling moratorium was introduced in 1986, legal quotas were widely used as covers for poaching, driving some species near to extinction. The same is now happening with the trophy hunting of endangered species.

We have also heard about the idea of a licensing exemption—that has been talked about quite considerably. The noble Lord, Lord Bellingham, introduced that element in his speech. I may be wrong, but this appears to propose a model that resembles licences for trophy imports awarded under the United States's Endangered Species Act. I think it would be disproportionate to include this in the legislation, as it would introduce considerable cost and administrative burdens, as well as creating the risk of judicial review. Indeed, a director for the US Fish and Wildlife Service explained that it faced challenges during a recent lawsuit. He said:

"The International Affairs Program currently has a backlog of applications and insufficient staffing and resources to keep up with the very high workload and backlog. Staff time also must be spent defending against multiple lawsuits filed in federal court concerning the Service's administration of permits to import sport-hunted elephant trophies and other permitting responsibilities".

Surely this is not a situation we should seek to emulate.

Moreover, a system to assess whether import permits should be issued for hunting trophies from threatened species according to certain criteria would be heavily, if not exclusively, reliant on data and reports from exporting countries, which have proven time and again to be unreliable. It is of particular note that a letter we discussed mentioned by the noble Baroness, Lady Fookes, signed by African experts, said:

"Trophy hunting has a history of mismanagement with quotas based on inadequate data"—

as I have said.

There seems to have been an element in this debate of picking and choosing which experts you want to believe. It is not reasonable for the people who signed that letter to be completely dismissed, just as we need to listen to other arguments being put forward. I do not believe that trophy hunting is helping to save our planet; it is driven by the trophy hunters' desire to kill and then boast about it. As inhabitants of our planet, it is our responsibility to address this, as losing animals of such great importance would be a terrible loss. In my personal opinion, trophy hunting is cruel, inhumane and unjustifiable. It is also morally objectionable. Killing animals for so-called sport or as a form of entertainment is unnecessary and cruel. It also raises questions about our responsibility towards other living beings and challenges the notion of conservation based on killing. I have never been able to understand why anybody would want to kill a beautiful creature then pose for a photograph with a dead animal, let alone bring its head home.

We have heard that society is changing, and it is. Societal attitudes towards animals and conservation are evolving, and there is growing pressure on Governments to re-evaluate their position on practices such as trophy hunting. The noble Lord, Lord Selkirk of Douglas, talked about it as a moral wrong, and I agree with him, so I am proud to support the Government today and hope that the Minister will be able to address many of the concerns, because it is time the UK joined others around the globe and banned the importation of hunting trophies for good.

1.03 pm

The Minister of State, Department for Environment, Food and Rural Affairs (Lord Benyon) (Con): My Lords, I speak in support of the Bill on behalf of the Government and thank noble Lords on all sides for the quality of this debate. I pay tribute to my noble friend Lady Fookes and my honourable friend Henry Smith in the other place for their progress with the Bill thus far.

It is clear from the debate and from the noise around it that trophy hunting is a controversial issue. There are those who point to the evidence about the potential benefits of well-managed hunting and those who point to the evidence of harm or poor practice. The Bill is about imports to Great Britain. The import ban will, of course, not prevent a UK resident or citizen from participating in hunting while overseas. Trophy hunting will continue around the world, and it is right that each country should be able to decide how best to manage its wildlife. The Bill does not change that, but it is also right that we listen to the British public, and there is a clear and strong message to bring an end to the import of endangered animals taken for the purpose of trophies. The Bill before us will therefore fulfil our manifesto commitment to do just that and, in doing so, it would help us to better protect some of the world's most endangered species.

On the Bill itself, Clauses 1 and 2 together make provision for the import ban; it will cover trophies brought into Great Britain from animals hunted after this legislation comes into force. The definition of a hunting trophy in Clause 1 is:

"the body of an animal, or a … part or derivative of an animal, that … is obtained through hunting … for the hunter's personal use".

That is how hunting trophies are defined in our current controls under CITES—the Convention on International Trade in Endangered Species. This means other types of item will continue to be subject to our current controls—for example, under CITES. Trade in those other types of items will not be affected by the Bill.

Clause 2—and this leads to the point raised by my noble friend Lord Mancroft—means that the import ban will cover all species listed in Annexes A and B of our wildlife trade regulations, which implement

[Lord Benyon]
Appendices 1 and 2 of CITES in Great Britain. The annexes cover species that the global community has agreed to protect through trade restrictions in the light of their endangered status. The Commons narrowed the scope of the Bill by making an amendment to remove a power for the Secretary of State to add the species that would be covered. To use Annexe A and B listings with no additions or variations is the best way for the Bill to address imports from endangered species. As a result, the Bill will end the permits system for imports of hunting trophies from these species. There are no provisions for exemptions to the import ban for hunting trophies from those species.

Clause 3 is about movements from Northern Ireland to Great Britain. Let me be clear that we will do as much as we can to ensure that Northern Ireland is not used as a stepping stone for imports to Great Britain. The EU wildlife trade regulations continue to apply in Northern Ireland under the Windsor Framework. Our CITES authorities will carefully scrutinise permit applications for Northern Ireland to ensure that imports meet the strict requirements set out by those regulations to ensure that trade is sustainable and legal. We also have controls in place for movements of endangered species from Northern Ireland to Great Britain, and those controls will apply to all hunting trophies in scope of the Bill.

Clause 4, added on Report in the Commons, is about the advisory board on hunting trophies—and some comment was made on this. My colleague speaking in the other place welcomed the principle of receiving expert advice, and I agree. For example, we already receive advice on international wildlife trade issues from the JNCC, which is the UK's scientific authority for CITES. We are aware there is an unclear reference to "Committee" in Clause 4(3)(a), which a number of noble Lords have raised with me. That will be corrected to "advisory board" on printing. There is no need for noble Lords to make an amendment in this regard, and I put on the record that the Government have no concerns about the drafting.

Lastly, Clause 5 considers extent, application, commencement and short title. The import of endangered species is a reserved matter, and consequently there is no need for a legislative consent Motion, which saves me the embarrassment that I indulged in on an earlier piece of legislation today. I was always told that it is crucial on the Front Bench to make everyone think you know what you are doing, but clearly I failed on that occasion. However, I am grateful for the engagement of the Scottish and Welsh Governments on these issues.

On some of the comments raised in this debate, the difficulty with issues such as this is that it becomes an argument of "I see your experts and raise you mine". Undoubtedly, there are a plethora of experts of varying degrees, scientists and not scientists, bringing their sway into this argument. They can be prayed in aid by different sides of the argument, and everyone has to make a judgment on that.

With regard to the eloquent words of the noble Lord, Lord St John, I think the whole House agrees with him about canned hunting. However, I urge noble Lords not to go down a rabbit hole that tries to define it. The repulsive prospect of an animal being contained in a small enclosure and shot with none of the danger that one would find shooting even a cow in a field is abhorrent to all of us. However, if one tries to define that in law, one starts to say, "How big an enclosure?" There are some wildlife conservancies that are contained but which are to an extent false ecosystems, because animals cannot move within and without them. However, I think we all share the noble Lord's and others' abhorrence of certain hunting practices that may be defined in that way.

I understand the points raised by many noble Lords, but I do not quite know whether to commiserate the noble Lord, Lord Mann, on Leeds or to congratulate him on Wrexham—maybe both. But he made a very interesting point.

The point about UK exports was raised. The Bill is about imports of hunting trophies from endangered species and animals abroad. We are taking action to address the public's concerns over that. We have appropriate controls in place to protect our wildlife and to manage hunting in this country; we will not be amending any of our legislation or regulations on hunting in this country.

The noble Earl, Lord Erroll, and others raised issues about support for communities in countries that may be affected by this legislation. I know that the letter from my honourable friend the Minister that was referred to may have been misconstrued. I urge noble Lords to delink this legislation from all the other provisions we make to support countries to maintain their environment and wildlife. That is an ongoing commitment of support, whether through ODA or a variety of different international fora. For example, our £90 million Darwin Initiative and Darwin Plus are hugely appreciated in these countries for the work that they do to protect wildlife. The £30 million action on illegal wildlife trade and the £100 million biodiverse landscapes fund, which works across six landscapes and multiple different countries' borders to protect wildlife, are nothing to do with this legislation. That is ongoing and our support for our friends, whether in Africa or elsewhere, will continue. The UK is fully committed to practical, meaningful support for conservation and for developing sustainable livelihoods based on wildlife. Our official development assistance will not replace trophy hunting and that is not what it aims to do.

My noble friend Lord Lilley made an impassioned speech, and I just say that we have appropriate controls in place to protect domestic species. According to CITES data, the UK has recorded only seven exports of hunting trophies from annexe A and B species in the past 10 years. Of these, two trophies were from barasingha deer, which were hunted in this country. The barasingha is not native to this country and is kept in private collections. Other trophy exports recorded by the UK were re-exports, originally from other countries.

My noble friend Lord Swire asked about impact. We recently published an impact assessment for the Bill, which discusses the impact of this reform on the UK, in line with the usual practice. Our impact

assessments discuss some of the difficulties in evaluating the wider impacts of the Bill; it is complex and difficult to assess the impacts of further action on UK imports.

My noble friends Lord Reay and Lord Hannan and a number of others spoke about Kenya. I know a bit about Kenya and the declines in wildlife are for more complicated reasons than may have been prayed in aid in this debate. Differences of animals' abundance will occur within particular parts of countries, and there are parts of Kenya where animal abundance is being restored in remarkable ways. I join with my noble friend Lord Selkirk in paying tribute to Iain Douglas-Hamilton, whom I know, and his daughter Saba and other members of his family, for the remarkable work they have done with Save the Elephants.

The noble Lord, Lord Rennard, asked whether there will be time to deal with amendments. I cannot give him that assurance. I do not know and have not spoken about that in detail, but in the process of this Bill we will seek to tease that out.

For my final point, I am grateful for the words of the noble Baroness, Lady Hayman, but I urge a little caution because, domestically, some of the richest wildlife habitats that we find anywhere on these islands are sustained through the activities of people who hunt for sport. They do that off their own back, out of their own pocket and often with little impact on the public purse. We need to be careful with the language that we use and make sure that we support those who deliver wildlife hotspots up and down the country.

This Bill to ban imports of hunting trophies has come from the other place with cross-party support. It is here with the Government's full support. I urge noble Lords to lend their support as it makes its way through the House. We know from repeated rounds of consultation that the public expect us to deliver on this commitment. In closing, I thank my noble friend Lady Fookes for her efforts in leading this important Bill.

1.15 pm

Baroness Fookes (Con): My Lords, I have been called many things in my time, but to be referred to as a neocolonialist is a new one for me. I would have thought it would be applied more appropriately those who wish to perpetuate the trophy hunting culture, but I will leave that aside because we have had a long debate. There have been wind-up speeches from the Front Benches and, of course, from the Minister, who was almost doing my work for me, so I will not detain the House too long.

However, I want very firmly to challenge the view that the revenue gained from trophy hunting contributes greatly to local communities. My understanding is that very little percolates down to them, and that is something I stand by.

I was also challenged on why I was not meeting the high commissioners whose letter appeared in the *Times* yesterday. They are joint signatories to a letter. One of them is the high commissioner for Tanzania. Tanzania is engaged in a bitter dispute with its own people, a Maasai tribe who are being forcibly evicted from their lands. They have even sought help by coming to Europe as a delegation and going to various European countries and the European Parliament. So if trophy hunting is of such benefit to local communities, I wonder why the Maasai are taking that action. I suggest that there are far better ways of dealing with the problems of cohabiting with animals, crops and so on. There is no time now, but there are plenty of opportunities and plenty of examples whereby careful, thoughtful management of land can get animals and people to cohabit.

The Earl of Caithness (Con): I was told on the question of the Maasai that it also involved ecotourism.

Baroness Fookes: I have no knowledge of ecotourism. My concern was that they were being forcibly evicted from their land in a way they did not wish. Beyond that I cannot comment.

I can see that there will be no great meeting of minds on this one, so let us be quite frank about it. I believe that the Bill has a modest and useful part to play, and I am encouraged in this by a letter I received this morning from the former President of Botswana, Lieutenant-General Dr Seretse Khama Ian Khama. He writes: "My experience based on facts over 23 years as head of the Defence Force, as Vice-President and then as President, are that hunting contributes to the decline in wildlife populations as hunters in several cases also poached. They corrupted the system to obtain higher quotas of animals to shoot. They seriously undermined the gene pool of male lions, elephants and other species by only shooting the most magnificent species in each category". He adds that he believes that photographic safaris contribute far more in the creation of employment, revenue streams and so forth. I accept that is not possible everywhere in Africa, but I think we should be looking far more to schemes which allow animals and people to cohabit.

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

Powers of Attorney Bill

Second Reading

1.20 pm

Moved by ***Viscount Stansgate***

That the Bill be now read a second time.

Viscount Stansgate (Lab): My Lords, the Bill will modernise the process for making and registering lasting powers of attorney and will enable chartered legal executives to certify copies of powers of attorney. I welcome all Members here today, whether to listen to or participate in this debate. This is a good example of an entirely bipartisan Private Member's Bill. It passed the other place with all-party support and without amendment. It was introduced and steered through by my good friend and colleague Mr Stephen Metcalfe, the Member for South Basildon and East Thurrock, who is a government Back-Bencher. It is now being

[VISCOUNT STANSGATE]
shepherded through this House by an opposition Back-Bencher—the very definition of bipartisanship. I am delighted that Stephen Metcalfe is present today to watch our proceedings.

Before I get to the Bill, I want to establish something at the beginning. The Bill affects the lives of people all over the country. Over 6 million lasting powers of attorney are currently lodged with the Office of the Public Guardian—frankly, I found that an astonishing number when I first discovered it. That means that families up and down the country have an interest in the subject of today's debate and I dare say that Members of your Lordships' House have, both personally and professionally, had personal contact with the LPA process. I should add that I am one of them. A few years ago, my younger brothers and sister took out a lasting power of attorney in respect of our dad, with his full agreement, although it was not necessary in the end.

Turning to the Bill, I refer all Members to the excellent House of Lords Library briefing, which provides everything that they might need to know. Clause 1 introduces the schedule to the Bill and amends the Mental Capacity Act 2005 for making and registering LPAs. Clause 2 adds chartered legal executives to the list of those who can certify copies of LPAs. Clause 3 sets out the Bill's territorial extent and application—basically, the Bill extends to England and Wales only and it will come into force in stages.

What is an LPA and what is its significance? An LPA is a legal document that helps people to plan for their future. It allows an individual, known as the "donor", to plan for circumstances where they can no longer make decisions for themselves due to a loss of mental capacity, by granting such powers to another person—an "attorney". People can apply for, broadly, two main types: first, a health and welfare LPA, which can make decisions about a person's medical care and treatment; and, secondly, a property and finance LPA, which can make decisions about a person's money and property. Thus an LPA lets an individual choose the people they trust to be attorneys to support them and make decisions for them if they lose the mental capacity to make their own decisions in the future—for example, due to an illness like dementia, or through an accident.

LPAs are increasingly valuable and necessary as our population ages. No one likes to think about a loved one losing the ability to make their own decisions, but this is, sadly, a reality for so many people. Two nights ago, on Wednesday, I went to a meeting at the Royal Society about the impact of AI on medicine. The capacity to analyse images will mean that, before very long, it will be possible to give people 15 years' advance notice that they are likely to get dementia or Alzheimer's. This will have quite a significant impact on people's lives and, probably, on the LPA process.

My colleague Stephen Metcalfe in the other place spoke about the importance of a quick and accessible process. This Bill will give people the assurance that their family can act in their best interests and make life as comfortable as possible in their later years. It is with great frustration that I say that this is not necessarily the reality that people face today.

One of the problems is the sheer volume of paperwork. Many people find the current process for making LPAs stressful and needlessly complicated. Registering an LPA takes time. The latest figures show on average that the Office of the Public Guardian receives 5,700 LPAs each day—all of them on paper. The number of applications will exceed 1 million for the first time this year.

Once the Office of the Public Guardian receives an LPA, it must conduct manual checks on each piece of paper to confirm that it has been filled in correctly. As one can imagine, this is an entirely time-consuming process and many users find it cumbersome, bureaucratic and complex. That is an understatement. Frankly, the Office of the Public Guardian is at risk of financial unsustainability because its costs are increasing. What is more, if the LPA has been filled out incorrectly, it must be returned and corrected. In some circumstances, a new LPA must be made, which increases the delay to registration.

The Bill offers some solutions and the detail is outlined in the schedule. The Bill makes changes to the Mental Capacity Act 2005 to make it safer, easier and more sustainable to make and register an LPA. I will take these points in turn. First, how does it make it safer? Reforming the way in which people make and register their LPA will allow the Public Guardian to strengthen protections against fraud, undue pressure and abuse. The most crucial new safeguard is to allow the Public Guardian to verify identity as part of the registration process, which will help to prevent LPAs that have not been legitimately made.

As well as identity checks, the objection process has been redesigned to ensure and enhance safeguards where there are concerns about how an LPA has been made. This is an important early protection against an LPA being misused after registration. While it cannot catch all potential abuse—in reality, the number of such cases is very small—it is important that anyone with grounds for objection can raise them before the LPA is registered so that these concerns can be properly considered. Individuals must therefore understand how to lodge an objection to the registration of an LPA and everyone with grounds to object must be able to do so. The Bill simplifies the objections process by having the Public Guardian receive all types of objections in the first instance and allows anyone to make an objection. The Bill also requires the Public Guardian to notify all relevant parties when a completed LPA is ready to start the registration process. This relieves the donor, as in the past, of a great deal of the burden of doing so. Other protections that were supported during debates in the other place included restricting who can apply to register the LPA only to the donor. These changes combined will help to remove loopholes in the system so that they cannot be exploited to the detriment of the donor. This is one of the reasons why I hope that this House will support the Bill.

I turn to the ways in which the Bill will make the process easier. The Bill makes provision to help the public by, for the first time, facilitating a digital channel and enhancing the paper route. This is an important point, which is worth emphasising. The Bill will open up a digital alternative and this will have many benefits

in the future. I must stress that the paper-based route to getting an LPA will remain, but this multichannel system will allow parties to move between channels to create a single LPA. As the debates in the other place highlighted, this flexibility will ensure that a wider group of people can create LPAs more easily. It is envisaged that all LPAs will eventually be stored in digital form, but of course if people want a paper copy, they will be provided with one.

On sustainability, there is currently a huge burden on the Office of the Public Guardian due to the manual processing of paper. I feel sure that the House instinctively understands this. A digital LPA will help to reduce the amount of paper that the Office of the Public Guardian has to receive, process and store. Each day, the OPG has to process 80,000 sheets of paper. The annual number of documents with which it has to deal amounts to roughly 11 tonnes of paper. Hence, noble Lords can understand how a digital alternative would allow the Office of the Public Guardian to redirect resources and invest in wider service provision. Provision of both the digital and paper channels will also build resilience into this process and help to reduce the likelihood of future backlogs. This will create a more positive experience for everyone involved in making LPAs better value for the fee payers.

The benefits of modernising LPAs do not stop there. The Bill means that future LPAs will be evidenced electronically, increasing accessibility for attorneys and others, who will be able to access an LPA through their electronic devices and securely share it with third parties when managing their loved ones' affairs. Furthermore, third parties can have more confidence in LPAs, because they can check the status of the document in real time. This will be outlined in more detail in the secondary legislation.

So far, I have spoken only about the changes outlined in the Bill as they will affect LPAs; however, the Bill also allows chartered legal executives to certify copies of LPAs. This provision addresses the anomaly where chartered legal executives are able to participate in the process of setting up an LPA but are unable to certify copies of the same document. The Chartered Institute of Legal Executives has long argued for the removal of that statutory barrier, which is why Section 3 of the Powers of Attorney Act 1971 is being amended. The institute estimates that it will enable over 3,000 more lawyers to certify copies of LPAs, which, in turn, will facilitate competition and enhance access to this service for many consumers, with the potential for a reduction in the cost of service provision.

Licensed conveyancers have been assisting organisations with evidence of powers of attorney in many instances for many years. I would be grateful if the Minister could expand on the fact that the Bill is not intended to interfere with that process.

Finally, I turn to the Bill's territorial extent and commencement, as set out in Clause 3. The Bill's main provisions relate to England and Wales only, but there is some consequential effect on Scotland and Northern Ireland. Unfortunately, as the House knows, there is no working Assembly in Northern Ireland, but, on whether or not a legislative consent Motion is needed in respect of Scotland, I am very glad to report that one has been granted. Two days ago, a point was raised with me by the Law Society of Scotland regarding the automatic operation of Scottish powers of attorney in England. I believe that this issue was covered in a letter that the Minister of Justice wrote to Mr Patrick Grady in another place, but perhaps the Minister could cover that from the Dispatch Box.

As for commencement, Clause 3 comes into force on the day that the Bill becomes law; Clause 2 comes into force two months from the day it becomes law; and Clause 1 and the Schedule will come into force in subsequent regulations by the Lord Chancellor.

Since LPAs were first introduced in 2007, people's expectations have changed, as has technology. People now expect digital services with appropriate safeguards. We need an LPA system for the digital world; this Bill provides it. It is narrow in scope and seeks to bring about real improvements. It tries to strike the right balance between improving efficiency and accessibility, while strengthening safeguards against fraudulent or abusive use of the system to protect the most vulnerable people in society, and it comes at a very modest cost to the public purse. I believe it will be successful in achieving its objectives, and I hope all noble Lords will join me in giving their full support to this important Bill. I commend it to the House and beg to move.

1.33 pm

Lord Wolfson of Tredegar (Con): My Lords, it is a privilege to follow the noble Viscount, Lord Stansgate, who introduced the Second Reading of the Bill comprehensively, fairly and persuasively. As he said, the bipartisan nature of the Bill is both striking and very welcome. It was introduced by Stephen Metcalfe MP, of my party, in the other place, and is now being championed in your Lordships' House by the noble Viscount, of a different political persuasion, and that is very welcome indeed.

The purpose of a lasting power of attorney is to provide support and protection to the donor in the event that they lose mental capacity and are no longer able to make their own decisions in the future. Like the noble Viscount, Lord Stansgate, I have some personal experience of this. My uncle Bernard, of blessed memory, who was childless, asked me to take on these responsibilities and appointed me with a power of attorney. Like the noble Viscount, I never had to use it in the end, but I remember him telling me that knowing it was there gave him comfort, because he knew that if decisions had to be taken, they would be taken by somebody who knew him and what he wanted. Therefore, the Bill's modernising of the process and the system for effecting an LPA is very welcome.

LPAs were introduced, as the noble Viscount said, by the Mental Capacity Act 2005. In addition to supporting this Bill in an unqualified way, the other purpose of this very short speech is to say a couple of words about the Mental Capacity Act 2005, because it is now nearly 20 years old. In that time, our understanding of mental health and its many challenges have increased. Technology has also advanced in that time, and indeed one of the advantages of this Bill is to bring in a digital system, although, as we have heard, a paper-based system will be retained. I am delighted to see that a

[Lord Wolfson of Tredegar]
digital process is being introduced. This is but one example, I suggest, of how much of our civil justice system and processes—this is ultimately part of civil justice—can be brought online and digitalised. We need more examples of this going forward.

One of the remaining problems, as we have heard, is delays in the Court of Protection process. Let me be very clear: that is not the fault of the judges. The judges in that court—indeed, all our courts, but especially in this court—work extremely hard and deal with some of the most difficult cases our judges have to consider. They are literally dealing with matters of life and death on a daily basis. But the court does need more resources, and I know my noble and learned friend the Minister is aware of that.

I have one final point, which arises in relation to LPAs, as well as other matters arising under the Mental Capacity Act, such as child trust funds, about which your Lordships' House has heard on a number of occasions. It is always very tempting to make things easy, or easier, for the person who needs the assistance, whether that is the terminally ill patient or the mentally incapacitated child. However, there is a balance to be struck. On the one hand, we want to provide assistance to the person in need, but on the other hand, we also need to ensure that there is sufficient protection for that person. This Bill strikes that balance extremely well, and I am very happy to support it.

1.38 pm

Baroness Watkins of Tavistock (CB): My Lords, it is a pleasure to follow the noble Viscount and the noble Lord. I rise briefly to voice my support for the Bill and its aims.

Lasting powers of attorney are invaluable tools for people who are likely to lose capacity and the ability to convey their wishes, allowing them to have control over their future lives. We talk about keeping our affairs in order most frequently through the lens of our finances and property; there is much to be done in terms of safeguarding against fraud and financial abuse, and the Bill will do much to address those concerns. However, we do not talk often enough about the equally important—but, I expect, somewhat less well known—option of a lasting power of attorney for health and welfare. Just as you can nominate someone to make decisions about your finance and property if you lose capacity, you can nominate someone to make those same decisions in health and care settings. My sister and I had to do that for our mother, and it was very successful, because she had thought long-term in advance.

The provisions in the Bill that allow for LPAs to be completely digital are important, as they will remove barriers to completing them by streamlining the process. It will reduce the time it takes to complete the process and for the Office of the Public Guardian to complete its necessary checks, which will also give people greater confidence in the process.

While the Bill is necessarily focused on the reform of powers of attorney, I want to highlight a related issue that is also in need of a modest but important digital reform. Living wills, known officially as advance decisions to refuse treatment, allow a person to say now if there are treatments that they do not wish to be given in the future, should they lose the capacity to communicate. Like LPAs, they were formalised by the Mental Capacity Act 2005 and, under the law at present, must be signed using a so-called wet signature. This prevents them being fully digital, which in turn makes these important documents very difficult to share across care settings and to be visible when it matters most.

The impact of this is clear. Many people are going to great lengths to consider and record their end-of-life wishes but, very sadly, often they are not known about due to the paper forms being lost or not properly uploaded to a medical record, or due to their local area's digital record systems not allowing them to be shared. This can be of particular concern when a person's records might be shared between GPs, hospitals, community care, ambulance services or care homes, for example. In real and simple terms, it means that sometimes people are given treatments that they would not want, all because the system by which records are shared has let them down.

The impact for the individual can be catastrophic and result in a much more complicated bereavement for loved ones. Compassion in Dying, a charity that supports people at the end of life to record, discuss and communicate their wishes, has asked me to raise this point at Second Reading. It too is fully supportive of the moves to reform powers of attorney, but urges us as legislators to consider making similar moves in the near future to ensure that living wills can benefit from the same reforms and so make it easier for our wishes to be respected if we ever lose the ability to make or communicate those wishes for ourselves.

According to the people supported by Compassion in Dying, the very fact that living wills are difficult to share, and the concern that they might not be available to healthcare professionals when they are needed most, is a barrier to even starting the process. Compassion in Dying says:

> "We are convinced that enabling digital signatures on Living Wills in a safeguarded way would transform the experiences of thousands of dying people in the UK. Being able to know what matters to each person is a central part of high-quality care: allowing for fully-digital Living Wills would make this so much easier for so many".

I welcome this Bill and its noble effects, and hope that the separate but equally important issue of living wills can be addressed in the very near future.

1.43 pm

Lord Ponsonby of Shulbrede (Lab): My Lords, I congratulate my noble friend on introducing the Bill so comprehensively and fairly, as the noble Lord, Lord Wolfson, said. I also congratulate Mr Metcalfe on steering it through the other place.

The provisions in the Bill are much needed, and the Labour Party is pleased to support them. A lasting power of attorney ensures that an individual's personal wishes and preferences can be considered when capacity is lost, which can massively reduce the stress and anxiety for their family through an extraordinarily difficult time. However, the process for making and

registering a lasting power of attorney has long been due an update. The current paper-based process can be confusing and bureaucratic. We wholeheartedly welcome the modernising measures in the Bill. We need to plan now for the challenges that will face our legal system in the coming decades.

I hope that these changes will help to future-proof our system and ensure that the case load of the Office of the Public Guardian, which is already beset by delays and backlogs, as we have heard in this short debate, does not become completely unmanageable as our population continues to age and the number of people living with illnesses that can affect their capacity increases.

The need and demand for lasting power of attorney will increase significantly in the coming years, so the creation of a digital process to streamline much of the work is a necessity. Currently about 900,000 people in the UK have a diagnosis of dementia. According to Dementia UK, that number will rise to more than 1 million by 2025 and is projected to rise further, to 1.5 million, by 2040. We are pleased that the paper application route will remain in place for all those who need it. Current figures suggest that about a quarter of those over 65 do not have easy access to the internet. Applying for an LPA can be a difficult process at the best of times, so it is right that the paper route is kept open so that applicants can apply by whichever means most suits them.

It is very welcome that the Bill will amend Section 3 of the Powers of Attorney Act 1971 to enable chartered legal executives to certify copies of powers of attorney. They are legal professionals who can carry out many of the same services as a solicitor, so it is good to see that inconsistency addressed. The Bill builds on several welcome safeguards, including the introduction of identity verification, restricting who can apply to register the LPA and changes to the objections process. The Law Society has raised some additional safeguarding concerns that I want to bring to the attention of the Minister. First, has he considered amending the Mental Capacity Act 2005 to make it clear that the certificate provider has a responsibility to confirm that the donor has the mental capacity to make an LPA?

Secondly, can the Minister confirm whether future guidance on the role of the certificate provider will include questions for them to ask the donor that will test whether they can rely on the presumption of capacity? Thirdly, what steps is he taking to ensure that a certificate completed by a certificate provider for an LPA application shows that the certificate provider has been satisfied that the donor understands the information relevant to the decision to execute the LPA, and that the provider can retain the information that was used to weigh up the decision to put the LPA in place?

The noble Lord, Lord Wolfson, spoke about his family experience, and I suspect that many people, including me, have experience of legal powers of attorney. I currently hold one for my mother, who I will see later today, but I obviously hope that I will not have to invoke its powers. I understood the point that the noble Baroness, Lady Watkins, made about living wills. We are very sympathetic to the points she made, but she also accepted that this is an issue for an amendment to a different Bill, or for another Bill standing in its own right. Nevertheless, we are very sympathetic to her point. We welcome this Bill.

1.48 pm

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bellamy) (Con): My Lords, the Government wholeheartedly support the Bill, and I thank the noble Viscount, Lord Stansgate, for setting out so eloquently and clearly its content and purpose. So clearly has he set out the Bill that I do not think I need repeat what it says, save to say that there are essentially four main aspects in relation to LPAs. It simplifies and digitises the process; it requires identity checks on the donor; it has a better procedure for objection involving, for example, local authorities, the police and other interested parties; and it provides that only the donor can register. I think those are the main points but, thanks to that very clear explanation, your Lordships are already fully seized of the content of the Bill and I will say no more about it.

I add the Government's thanks to Mr Stephen Metcalfe for his great and persistent work in another place to bring this most important Bill to its present fruition. I hope he will accept our thanks and compliments for that very important work.

It is sometimes forgotten by the general public, I think, that both Houses of Parliament do important, detailed work on very detailed points. It is not a great political circus; we are working hard on matters of detail that affect people's lives. As has been said, with over 6 million LPAs, increasing at the rate of a million a year, this really does affect people's lives. For that reason, we are particularly grateful to the noble Viscount, Lord Stansgate, and others who have spoken in favour of this Bill.

I will deal with a number of the points raised in this debate. First, I stress that, although the process will be primarily electronic and will facilitate access to powers of attorney by other parties when the need arises—for example, a bank—if an attorney needs to activate the LPA, there will also be a paper channel so that those who do not have the internet or are not equipped to operate it can do so. It will be a fully flexible system so that donors, attorneys and others involved will be able to use whichever channel best suits their needs, be that digital or paper.

Lord Ponsonby of Shulbrede (Lab): If there is a discrepancy between a paper copy and a digital copy, am I right in thinking that it will be up to the court to decide which of the two versions is correct?

Lord Bellamy (Con): My Lords, as far as I know, the noble Lord is entirely correct in his assumption. If I am, or he is, wrong, I will write accordingly to clarify that point. It will ultimately be for a judicial process—possibly for the Office of the Public Guardian, initially, and then for a judicial process—to determine which of the two conflicting versions is the "authentic" version.

This change, by reducing the laborious and very time-consuming verification of paper documents, will, or should, over time release resources for the Office of the Public Guardian to investigate and pursue cases

[LORD BELLAMY]
that look dubious or are attempted frauds, or which raise other difficulties. So we see this as not only benefiting the donors and attorneys but removing burdens on the Office of the Public Guardian and allowing that very responsible organisation to reinvest its resources in enforcement or investigation, or in improving safeguards as necessary. So, for the reasons that have been given, the Government welcome this Bill very sincerely.

I will briefly address the points raised by other noble Lords. As my noble friend Lord Wolfson said, the Government fully support the work of the Court of Protection, and the judges of that court do magnificent work under very difficult circumstances. Of course, this is part of the wider digitalisation of the civil justice system, which the Government are also supporting and, if I may say so, making quite good progress on under the remarkable leadership of Sir Geoffrey Vos, the Master of the Rolls, who is very focused on digitalisation and the future of the justice system in that respect. As my noble friend Lord Wolfson said, we always have to find a balance in these systems between protection of the vulnerable and facilitating the processes. That, I hope, is the balance that has been struck under this Bill.

On the points rightly raised by the noble Baroness, Lady Watkins, the Government welcome the mention of health and welfare LPA. That is sometimes forgotten as a part of the machinery, but it is important; one never quite knows when one is going to lose one's health and welfare, or to need an attorney to look after one from that point of view.

Living wills, as the noble Lord, Lord Ponsonby, said, is under separate legislation and is a separate issue. The point about the wet signature holding everything up and leading to people not knowing quite what the patient's wishes are is an important one. The Government will certainly note the points that have been made today and continue to reflect on them.

On the points raised by the Law Society about the certificate provider and whether we have sufficient checks in that respect, the department is considering those and in due course will make proposals about the best way of achieving that. There could well be changes to the certificate itself, the forms used and the supporting guidance. I am not sure that legislation will be necessary, but we could tighten up the existing procedures, or at least review carefully whether they are sufficient, and test any potential changes with stakeholders and users to ensure that they achieve the core aims we need to achieve.

Scotland has been mentioned. The Scottish Government have given a legislative consent Motion. The UK Government felt that one was not needed, but at least there is one so that point does not arise.

Concern has been expressed by the Law Society of Scotland that powers of attorney granted in Scotland are not always readily recognised in England and Wales. The Government's view is that that is primarily a question of raising awareness. There is no legal reason why a Scottish power of attorney cannot be recognised in England and Wales, as far as I am aware, so it is primarily a question of raising awareness and making sure that the relevant professionals are more familiar with the status of Scottish powers of attorney than may apparently be the case.

The noble Viscount, Lord Stansgate, noted the interest of licensed conveyancers in relation to Clause 2. I can confirm on behalf of the Government that the Bill is not intended to interfere with the previous or indeed ongoing practice of organisations such as the Land Registry accepting copies of powers of attorney from licensed conveyancers. So the licensed conveyancer will send in the documents that are necessary, which may well include a copy of the power of attorney. That is a long-standing practice that has given rise to no difficulty, and nothing in the Bill is intended to change that practice.

There is a second important aspect to the Bill, which is to enable chartered legal executives to certify copies of a power of attorney. That is not only correct in itself but is part of the Government's general policy of facilitating CILEX members to carry out tasks and functions that other legal professionals, solicitors and barristers can carry out. Only yesterday, as the noble Lord, Lord Ponsonby, will remember, the Grand Committee passed statutory instruments enhancing the number of judicial appointments that CILEX members can aspire to. Together with this provision, that is also part of the Government's overall policy of widening the pool of qualified lawyers so there is absolute availability of qualified lawyers.

I think I have covered the points that were raised. It only remains for me to reiterate the Government's support for the Bill and to thank the noble Viscount, Lord Stansgate, in particular and other noble Lords who have spoken today.

1.59 pm

Viscount Stansgate (Lab): My Lords, I will not detain the House, but I would like to say a couple of things. It gives me great pleasure to see my friend and colleague present to listen to the compliments paid to him today for having steered the Bill through the other place. It strikes me that so many contributors today have personal experience of the subject; it shows that, as I said, millions of people and their families up and down the country will find that this Bill affects them, I hope for the better.

It would be remiss of me not to thank noble Lords for some of the compliments I have been paid. I take it as a great compliment to hear from some of the legal experts in front of me that I have introduced a Bill—incidentally, the first time I have ever done so—in a "comprehensive way", unless of course that is a hidden way of saying that I took too long to do so.

The points made by the noble Lord, Lord Wolfson, are very important. It is a great comfort to a donor to know that they have arrangements in place and I think the new procedures will assist. The noble Baroness, Lady Watkins, mentioned the issues raised by Compassion in Dying—as we know, they apply not so much to this Bill, which falls in a different area—which has been in touch with me. In fact, I spoke to Compassion in Dying this morning before this debate. I fully understand the way in which she raised these issues and know very well the reasons why they matter to people. I hope that

one of the effects of this Bill reaching the statute book, which I hope it does, will be to further advance the causes she raised. I also thank my noble friend on the Front Bench for the support that he has given the Bill on behalf of the Official Opposition and the Minister for covering some of the points raised to the satisfaction, I think, of all concerned.

The last thing I will say is that this has been a fairly short but consensual debate. It has seen Parliament as it is supposed to be: a working environment, or a workshop, designed to try to bring about changes in people's lives for the better. When you consider some of the attacks made on Parliament and the parliamentary process, you could do worse than look at a short debate such as this and see that it is possible to make real change in a consensual way—and I will leave it there.

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

Workers (Predictable Terms and Conditions) Bill

Second Reading

2.02 pm

Moved by ***Baroness Anderson of Stoke-on-Trent***

That the Bill be now read a second time.

Baroness Anderson of Stoke-on-Trent (Lab): My Lords, before I move on to the detail of the Bill, I put on record that today marks seven years since we lost Jo Cox, our friend in the other place. It is important to recognise that today. She celebrated that we have more in common than that which divides us. I hope this Bill demonstrates that to be the case. I thank Scott Benton MP, the Member for Blackpool South, for steering this Bill through its various stages in the other place.

Trade unionism is in my blood. Securing a better deal for working people is one of the reasons I joined the Labour Party and first ran for election. I come from a family of proud trade unionists. My great-grandfather was the founding member of his Yiddish branch of cabinet makers in the East End of London, my grandfather was a blacklisted steel worker who became a miner, my father was the first trade unionist to lead industrial action in the insurance sector—he was then also duly blacklisted—and my wonderful mother was the deputy general secretary of Amicus before her retirement. It should surprise no one that I followed in these footsteps and became a trade union officer too. This is why legislation giving more rights to people at work is so important to me and why I am proud to be able to promote this Bill today. It is another chapter, albeit a limited one, in the journey of empowering workers and rebalancing power in the workplace.

There is some technical detail to cover today, but I invite noble Lords at the back their minds to remember that there are over 3.7 million people working on insecure contracts and 1.1 million on zero-hours contracts. It is easy to get lost in the scale of those numbers, but behind the statistics are families struggling to make ends meet and working people in dire need, not knowing how much will be in their pay packet at the end of the month. In the 21st century in the UK, there is no excuse for our fellow citizens to be experiencing that level of fear and the onus is on us to help them.

The 2017 Taylor review of modern working practices found that workers on zero-hours contracts, agency workers and temporary workers struggle where flexibility is one-sided in the employer's favour. We know that some employers misuse flexible working arrangements to create unpredictability, insecurity of income and a reluctance among some workers to assert basic employment rights—rights that many of us take for granted. This one-sided flexibility means that workers need to be available to their employer with no guarantee of work. Employers can also schedule or cancel shifts with very little notice, leading to insecurity of hours and income for workers or, in the case of temporary or agency workers, dismissal at short notice. Many individuals working unpredictable patterns experience an imbalance of power with their employers, which leaves them afraid to ask their employer for more fixed conditions for fear of being dismissed or denied future shifts.

To address the issue of one-sided flexibility, the Taylor review recommended a new right to request a contract with guaranteed hours for zero-hours contract workers. This, in part, is why we are here today. The successful passage of the Bill will create a new right for workers to request a more predictable working pattern. A qualifying worker will be able to make a request if their existing working pattern lacks predictability in the hours and times they work or if it is a fixed-term contract for less than 12 months.

Both workers and employers will be able to retain the benefits of atypical forms of work, if that is what works for them, such as zero-hours contracts, temporary contracts and agency work, as this is a right to request more predictable working, not an entitlement to it. That will have to be the next step.

We know that atypical employment suits some, not all, groups, such as those working around their studies or caring responsibilities. Workers who are content to work in these circumstances will be able to continue to do so and employers will be able to decline requests on specific, statutory business grounds. The Bill will begin to address the unfair imbalance of power which exists between some employers and workers, empowering workers to talk to their employer about their working pattern, safe in the knowledge that starting the conversation should not affect their standing in the workplace.

Where this legislation is embraced by employers as a force for good it will give workers additional predictability and security of both hours and income, at a time when we know that too many people with unpredictable or varying levels of income are struggling with the cost of living.

The powers outlined in this legislation, if embraced by employers, will work for everyone. Workers will be better able to secure employment which suits their individual circumstances, increasing job satisfaction and helping many with their work/life balance. Businesses which accept their workers' requests will reap the

[Baroness Anderson of Stoke-on-Trent]
benefits of improved retention, as workers will not have to look for a new role to secure a working pattern which meets their needs.

The four clauses of and one schedule to the Bill will both introduce this important new right and ensure that it can be properly enforced. The Bill sets out the eligibility criteria for the new right. To ensure that as many workers as possible who have an unpredictable working pattern can benefit from this new right, all workers and employees will be eligible after an expected period of 26 weeks, subject to the secondary legislation. Given that the Bill targets workers with unpredictable working patterns, they are not required to have worked for their employer continuously over that period.

Specific provisions are also made for the eligibility of agency workers, given the unique way in which their working relationships function. Agency workers who make applications directly to hirers will be required to have worked for their hirer for at least 12 weeks continuously during the proposed 26-week period. This replicates the provision in the Agency Workers Regulations 2010 which states that, after 12 weeks' continuous service, an agency worker will gain entitlement to a set of employment rights which are the same as if they had been recruited directly.

Employers' responsibilities are also prescribed to support employers when they receive a request and to ensure that workers know what they should expect from their employer. Employers must deal with the request in a reasonable manner and notify the worker of their decision within a month.

The Bill also details the grounds on which workers may make a complaint to an employment tribunal. This will protect workers effectively if, for example, their employer does not consider their request in a reasonable manner, wrongly treats the application as withdrawn, dismisses or treats a worker poorly because of their request, or rejects an application on the basis of incorrect facts.

Workers will be permitted to make two requests for predictable working per year, in recognition that workers' and businesses' circumstances can change over the course of a year. If we have learned anything over the last five years, we know that the world can change beyond all recognition, seemingly overnight. This will mirror the number of flexible working requests which will be allowed under the Employment Relations (Flexible Working) Bill, which has recently passed its Second Reading in this House. As a package, this Bill's clauses create an important new right to request a more predictable working pattern, which will carefully balance the needs of workers in unpredictable work with the needs of their employers.

In conclusion, I thank the Minister for indulging me today, and thank his officials, who have been so incredibly helpful and supportive. I also thank the policy teams at UNISON, the TUC and the GMB for providing briefings on the Bill; I look forward to working with them in the years ahead to make sure that our employment legislation really does balance power in the workplace and help drive both economic growth and enhanced wages. I thank all noble Lords who plan to speak on this important matter today. I am sure I will see support from across the House for action to tackle the issue of one-sided inflexibility.

This Bill is a starter for 10. There are many tweaks we could make to make this legislation better for workers, but I do not believe in allowing the perfect to be the enemy of the good. I hope your Lordships' House will embrace my pragmatism and support the Bill. I beg to move.

2.11 pm

Lord Davies of Brixton (Lab): My Lords, I support the Bill and thank my noble friend Lady Anderson of Stoke-on-Trent for bringing it to this House. I also thank her for her clear and comprehensive summary of what the legislation involves.

I said very similar words exactly four weeks ago, when I spoke at the Second Reading of the Employment Relations (Flexible Working) Bill, which was introduced by my noble friend Lady Taylor of Bolton. I am going to repeat much of what I said on that occasion.

I still think it is a shame that a series of measures affecting employment is being brought bit by bit through the legislative process, when the Government gave a commitment to a Bill on employment law. On the earlier occasion, I asked the Minister to say something about whether and when we are actually going to get this overall employment Bill. Although he did not answer, his answer was, in effect, never. The Government have effectively given up on the idea without saying so in as many words. Perhaps the Minister may wish to comment in his response. I would welcome even more a new Labour Government's employment law, where we can address all of these issues coherently and effectively.

The employment relations Bill was about flexible working, whereas we are currently talking about predictable terms and conditions. Obviously, the two mesh together, pointing out the absurdity in the Government's position. My particular interest in this area of the law is the effect it has on people's pensions. Increasing attention has been given to the gap between the pensions that women tend to get and those received by men. One of the underlying reasons for that gap is that women face uncertain terms and conditions in employment more than men. We have to resolve one problem before we can resolve the other.

I emphasise that this is not about freedom and choice. Sometimes it is suggested that people want flexible conditions to fit in with their lifestyle. A poll recently undertaken by the TUC found that almost half of respondents said that zero-hours work was the only work that was available to them, and that was the reason they chose to accept it, not because it fitted in with their lifestyle. Some 16% said that it was a typical type of contract in their area of work, so they are stuck without a choice. Fewer than one in 10 people said that work/life balance was the most important reason for entering this type of work. It is also likely that it is the absence of good flexibility and more secure roles, rather than a preference for employment, that means this appeals to those with caring responsibilities, again because they are forced into it with no real choice.

I welcome this proposal. There is much that can be done to improve it, and it is worth highlighting just a few of the issues. Too much is being left to regulations. A request to consider is inherently weak; it does not take account of the disparities of power in the workplace, and requests are too easily rejected provided an employer follows the correct procedure. There are weaknesses. Even when we come to the remedies, they need to be more effective because of weaknesses in the industrial tribunal system currently. It can take up to two years to get a case heard, which is not an effective way of enforcing.

To repeat the conclusion I reached four weeks ago, the Bill, while limited in scope and with deficiencies, is still to be welcomed, and I thank my noble friend for bringing it to us. I thank the Government for their support for the Bill, in anticipation of the Minister's response, but we still need a more comprehensive approach to employment and labour law.

2.16 pm

Lord Palmer of Childs Hill (LD): My Lords, we on these Benches welcome this Bill but it is flawed. As the noble Lord, Lord Davies, said, and as the mover said, it is a step on the way, with limited use. I thank the noble Baroness, Lady Anderson, for bringing it to this House for us to discuss.

The Bill establishes a new statutory right for more predictable working patterns, but the person has to have been with the same employer for a set amount of time. Can the Minister say what the Government understand to be the length of that time?

I would like to think that all sides of this House would agree that insecure work is deplorable, and the Bill is a small step towards alleviating that problem. Do the Government support it? It is a Private Member's Bill which passed through the Commons, but what is the Government's position on it now?

Can the Minister explain how the Bill affects flexible working? There was a consultation on workers' rights to reasonable hours and what happens if shifts are cancelled. How is that affected by the Bill's being passed in this House? As was said by other noble Lords, almost 4 million people are in insecure work: agency workers, casual workers and seasonal workers. Can the Minister say whether work has been done in identifying those paid less than the national living wage? Can he also say whether it is correct that over 1 million workers are on zero-hours contracts?

There are extensive grounds for employers to reject applications, even with the Bill we have before us: costs; not being able to satisfy customers; recruitment; harming business—the list goes on. The Bill is a veritable minefield for the employee who we are aiming to protect. It is a step on the way but it is a minefield. Is a complaint to a tribunal a feasible remedy? I recently spoke, as did the noble Lord, Lord Davies, on the flexible working Bill. Can the Minister say how the two Bills interact, because there are two Bills?

What is required is that people have secure jobs with proper rights and fair pay. This Bill is part, but only part, of that requirement. Changes in technology and the nature of employment have outgrown the existing system of employment rights and protections. The aim is to make work pay and ensure that there are good and well-paid jobs available for people to do. This is for the benefit of workers, employers and the wider community.

There is a need to establish an independent review to consult on how to get a genuine living wage across all sectors. This living wage should be paid in all central government departments and their agencies, while other sector employers are to be encouraged to do the same. We would establish a powerful new worker protection employment authority to protect those in precarious work and change the law so that flexible working, which we refer to again and again, is open to all from day one in the job, with employers required to advertise jobs accordingly, unless there are significant business reasons why that is not possible.

We need to modernise employment rights to make them fit for the age of the gig economy, so we would establish a new dependent contractor employment status, between employment and self-employment, with entitlements to basic rights, minimum earnings levels, sick pay and holiday entitlement. We also need to review the tax and national insurance status of employees, dependent contractors and freelancers to ensure fair and comparable treatment, perhaps setting a 20% higher minimum wage for people on zero-hours contracts at times of normal demand to compensate them for the uncertainty of their fluctuating hours of work. Giving on request a fixed-hours contract to zero hours and agency workers after 12 months should not be unreasonably refused. We also need to shift the burden of proof in employment tribunals regarding employment status from the individual to the employer.

Although I welcome the Bill, as the noble Lord, Lord Davies, said before me, there are lots of gaps that need to be filled. We seem to be nibbling around the edges, with a Bill last week or the week before and now this Bill today. These are very welcome, but we need to hear some comprehensive reply from the Minister as to how workers are really going to be protected.

2.22 pm

Lord Leong (Lab): My Lords, I echo what my noble friend Lady Anderson of Stoke-on-Trent said about our friend Jo Cox. We remember her more so today than any other day. She was the best of us, and let us be the best of her.

I congratulate my noble friend Lady Anderson on bringing this proposal as a Private Member's Bill and hope that it can swiftly pass through its remaining stages. I admit that I was more than a little shocked to discover that the provisions and protections of this Bill were needed. When it comes to zero-hour contracts, the default position has been to offer one-sided flexibility—an awful example of political double-speak, which attempts to disguise the unbalanced and exploitative relationships between employers and some of the most vulnerable people in our workforce.

In 2015, exclusivity clauses on zero-hour contracts were made unenforceable for many workers, but this right was not extended to those earning less than £123 per week until December of last year. Let us consider what this really means: workers in low-paid

[Lord Leong]
jobs, facing double-digit inflation and mostly impacted by food inflation in the high teens, have been entitled to non-exclusive zero-hour contracts only for the last six months. That is shameful. It pains me to think how many people may have been so desperate that they remained trapped into staying with an employer who could treat them as an afterthought, with little sense of the human being and their family depending on unpredictable wage packets, week after week.

My noble friend's Bill improves their position a little further, supporting workers who have been employed in this way for some time, whether directly or through an agency, to request that it becomes formally recognised in their employment contract. This will add a much-needed layer of security for those teetering precariously on the very fringes of the world of work. It has been estimated that the net cost to businesses of this legislation will be only £16.9 million annually. As a businessperson and an investor in many SMEs, I recognise that some micro-businesses may find even the smallest additional costs challenging, especially with the current cost of living crisis. However, I was surprised that it was such a relatively low figure for the whole UK economy, given that it could make an enormous difference to thousands of our most vulnerable citizens. We should remember that many of the employers facing these costs will not be micro-businesses or SMEs—not at all. In a country where the average FTSE 100 CEO earns 103 times the average worker and more than 150 times a full-time worker on the minimum wage, this minimal cost that can be met.

We know that the cost of living crisis disproportionately impacts the lowest paid. Just last week, the publication of annual reports of some well-known British companies revealed that their CEOs received seven-figure bonuses, which more than doubled their enormous so-called basic salaries of around £1 million. I do not think it would break their business models to ensure that some of this money found its way to their lowest-paid employees, perhaps demonstrating some "other-sided" flexibility.

The potentially life-changing social and economic impact on the lives of the lowest-paid workers, who would be helped by the Bill, and the resultant benefits to the employer of a more engaged and stable workforce will, in my view, quickly repay the relatively small additional cost. I believe—indeed, the Labour Party was born out of this belief—that treating employees with dignity, providing them with the stability that comes with a regular wage, leads directly to improved self-esteem and loyalty, which in turn builds a more positive, productive and profitable business. Although investment in equipment and technology is important, investing in the workforce should always take account of the people behind the spreadsheets. People are the drivers of any business, and this will always be the case. As employers wrestle with artificial intelligence and the much discussed "rise of the machines", we should be looking after our employees.

Although much more can still be done to improve workers' employment rights, as my noble friend Lord Davies and the noble Lord, Lord Palmer, said, I have enormous respect for my noble friend's efforts in bringing the Bill before us. It is definitely a step in the right direction, and I urge noble Lords to support it.

2.28 pm

The Minister of State, Department for Business and Trade (The Earl of Minto) (Con): I thank the noble Baroness, Lady Anderson, for bringing this important Bill forward for debate today—it is a notable day. It is an honour to be here to confirm the Government's ongoing support for it, and I thank all who spoke on this important matter. I also thank Scott Benton MP for initiating the process that has led to us debating this topic today. The Government are pleased to support this Private Member's Bill, which will introduce a vital new right to request a predictable working pattern.

I watched the Bill's progress through the other place with great interest, and I am pleased that it has arrived here for our consideration so swiftly. Its progress demonstrates just how much we can achieve through cross-party co-operation and the dedicated work of Bill sponsors across the political spectrum—in this case, Scott Benton MP and the noble Baroness, Lady Anderson. There is always an element of fragility in the parliamentary process for a Private Member's Bill, but I am pleased that, so far, the Bill has met with consensus, and I hope that the same will be the case today.

Zero-hours contracts and other forms of atypical work are an important part of the UK's flexible labour market, for both employers where there is not a constant demand for staff, and for individuals who need to balance work with other commitments such as childcare or study. However, as outlined by the noble Baroness, Lady Anderson, many workers experience the issue of one-sided flexibility, whereby workers have to be available to their employer with no guarantee of work. We recognise that receiving unpredictable and varying levels of income each month can make it difficult for some workers to pay their bills, especially during a time of cost of living challenges.

The Workers (Predictable Terms and Conditions) Bill will allow workers to request more predictable working arrangements, addressing this issue of one-sided flexibility, while also ensuring that workers are able to continue working on a zero-hours contract or another form of non-guaranteed hours or temporary contract if that is the type of contract which suits them. The Bill will allow individuals and businesses to strike the right balance between flexibility and predictability.

The Government fully appreciate that businesses are facing challenges, not least those associated with the rising cost of living, and it is vital that this new right does not place further burdens on our hard-working business owners. As the noble Baroness, Lady Anderson, explained, this new right will function in a similar way to the existing right to request flexible working. An employer will be able to refuse a request for a more predictable working pattern based on one of six specific statutory grounds, which are similar to those established for the right to request flexible working. These grounds build in vital flexibility for businesses, ensuring that they are not unfairly burdened by accepting requests which would, for example, generate burdensome additional costs or affect their ability to meet customer demand.

As the noble Baroness set out, the right will be available to workers who have been with their employer for a set period before they make their application. We will set this out in regulations and expect it to be 26 weeks. Given that this Bill targets workers with unpredictable working patterns, they will not have to have worked for their employer continuously during that period. This eligibility criterion ensures that as many workers with unpredictable working patterns as possible will be able to benefit from this new right.

Workers will be empowered and encouraged to start conversations with their employers about their working patterns, with the confidence that starting these conversations should not result in detriment to them. Businesses will benefit too from improved worker satisfaction, and therefore productivity. Accepting predictable working requests will allow businesses to retain valuable skilled staff. Facilitating high productivity, both through this measure and through the other five Private Members' Bills we are supporting, will help to drive higher employment, better wages and economic growth—and hence, prosperity.

This House frequently adds much value and challenge through asking the right questions about the need for delegated powers in a Bill and their intended use. I am pleased to reiterate the assertion made by the noble Baroness, Lady Anderson, that the powers in this Bill are, as far as possible, in line with the delegated powers in existing legislation on the right to request flexible working. The powers contained in the Bill are also drawn as narrowly as possible.

The new right to request a more predictable working pattern is the latest in a series of measures that the Government have taken to support workers on zero-hours contracts and those on low pay. In 2015, the Government banned exclusivity clauses in zero-hours contracts, as the noble Lord mentioned, helping zero-hours contract workers to secure additional employment and boost their income. As of December 2022, this ban has been extended to exclusivity clauses in the contracts of workers with a guaranteed weekly income equivalent to or below the lower earnings limit of £123 per week. In April 2023, the Government increased the national living wage for workers aged 23 years and over by 9.7% to £10.42, the largest ever cash increase.

Further to these measures, the Government consulted on the right to request a more predictable contract in 2018, and the vast majority of respondents agreed with the creation of a right to request a more predictable working pattern. In response to this consultation, we committed to introduce a right to request a more predictable working pattern for all workers, including those on zero-hours contracts, agency workers and those on temporary contracts. This was followed by a commitment in the 2019 Conservative manifesto to introduce a new right to request a predictable working pattern. I am therefore delighted that the Bill reflects the Government's previous commitments on this important issue.

The Bill forms part of a wider package of six government-supported Private Members' Bills, which are delivering on our 2019 manifesto commitments on employment rights. Taken as a package, the Bills will enhance workers' rights and support people to stay in work. They will help new parents, unpaid carers and hospitality workers. They will give all employees easier access to flexible working. I am delighted that four of the Bills have now gained Royal Assent and become law, and I look forward to seeing the predictable working Bill and flexible working Bill complete their parliamentary passages shortly.

I will address some points made by Members during this debate. While this is a Private Member's Bill, I am pleased to explain the Government's policy position on these points. On the question about employment law raised by the noble Lord, Lord Davies, the Queen's Speech set out an ambitious legislative programme that includes a competitive set of Bills that enable us to deliver on priorities such as growing the economy, which will, in turn, help to address rising living costs and get people into good jobs. There is no employment Bill, but we are making good progress in bringing forward alternative legislation to deliver on our manifesto commitments on employment. I do not have the detail on the specific effects on pensions, so I will write to the noble Lord with the detail he requests.

On the issue raised by the noble Lord, Lord Palmer of Childs Hill, I believe that I have explained the length of time that needs to be applied, for both agency workers and other workers. On the question of flexible working and cancelled shifts, my understanding is that a consultation has been held and they are now waiting to respond in due course.

I mentioned the national living wage. While I take the point about zero-hours contracts, I believe that they now affect only 3% of the workforce—a very valuable part of the workforce, who are extremely useful for a lot of businesses with unpredictable work requirements. Some 75% of people on zero-hours contracts report that they work part-time, compared to only 24% of other people in employment, and 26% of people on zero-hours contracts are in full-time education, compared to only 3% of people in other employment, so they fulfil a valuable role.

On the point made by the noble Lord, Lord Leong, we entirely agree with the concept of an engaged and stable workforce. This involves a balance between workers' rights and the need for employment; it always has, and, I imagine, always will. I completely understand the worry about the increasing pace of technology and the advance of AI, and what effect that may have on the employment numbers. The Government are looking at that most carefully.

Supporting the Bill is in line with the Government's ongoing commitment to build a strong and flexible labour market that supports participation and economic growth. It has been encouraging to see that there is support from across the political spectrum in the House for this important measure, as is clear from today's debate. I look forward to continuing to work with the noble Baroness, Lady Anderson, as the Bill progresses through this House.

Baroness Anderson of Stoke-on-Trent (Lab): My Lords, I thank all noble Lords for their contributions today, especially my noble friend Lord Davies of Brixton, who highlighted how far we still have to go. I also thank the noble Lord, Lord Palmer, for his support,

[Baroness Anderson of Stoke-on-Trent]
my noble friend Lord Leong for making it clear that this legislation is supported by my Front Bench and the Minister for signalling the Government's ongoing and continued support for this and the other legislation that follows as part of Private Members' Bills. This is a stepping stone in the long journey of securing comprehensive employment rights for all who work in the UK, but it is a vital one for those who find themselves in insecure employment. It might not be perfect but it is an important step forward and I therefore invite noble Lords to support the Second Reading of the Bill.

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

Public Advocate Bill [HL]

Second Reading

2.41 pm

Moved by ***Lord Wills***

That the Bill be now read a second time.

Lord Wills (Lab): As some noble Lords may remember, this is the second time I have moved that this Bill be read a second time. The first was more than seven years ago, when it received wide cross-party support. I then outlined how the Bill, which provides better support for victims and families bereaved in public disasters, had grown out of my experience as a Minister who devised the Hillsborough Independent Panel. This Bill has been on quite a journey since then.

The concept of an independent public advocate to support victims of public disasters and families bereaved in them, which is the heart of the Bill, was adopted by the then Prime Minister, the right honourable Theresa May. I pay tribute to her steadfast and continuing support for this concept. She ensured that it was part of the Conservative Party manifesto in 2017 and in the following Queen's Speech. Since then, Ministers and a consultation came and went, the years went by and nothing happened. My right honourable friend and colleague in the other place, Maria Eagle, repeatedly and heroically introduced a Private Member's Bill derived from this one in the other place and still nothing happened, but finally, this year, the Government incorporated some elements of my Bill—this Bill—into the Victims and Prisoners Bill, and I place on record my thanks to everybody in the Government, Ministers and officials, who made this happen. I am grateful for their unfailing courtesy over the past seven years in consulting me about this Bill. However, welcome as the Government's proposals for an independent public advocate are, they are none the less based on the fundamentally flawed assumption that the system as a whole works generally well on behalf those bereaved by, or otherwise victims of, large-scale public disasters such as Hillsborough, so no radical change is needed, merely some improvements around the edge. That is what their proposals represent in contrast to the proposals in this Bill.

If that is indeed the Government's assumption, I am afraid it is wrong. The fact that, finally, the families bereaved at Hillsborough have been able to achieve much of what they campaigned for over so many years—decades—should not lead to any complacency about the systems currently in place to respond to such public disasters. When the full record of what happened after the Hillsborough disaster is eventually made public, it will show, I believe, how the successful outcome of the Hillsborough Independent Panel was the result of a whole series of fortunate coincidences. There was nothing inevitable about it. Above all, it was the extraordinary persistence, dignity and solidarity of the Hillsborough families' campaign that generated the momentum that led to the panel and its achievements. This will not necessarily be replicated in similar situations in the future. The system remains fundamentally broken in the support and agency it offers such families.

Now, the government Bill will make progress. Regretfully, I must assume that mine will not in the same way. As a result, I do not intend to rehearse the detail of my Bill in the way that I did seven years ago. Instead, I want to focus on the crucial elements of this Bill that the Government have omitted from their own and to urge them to think again.

Sadly, we must assume that such tragedies involving large-scale loss of life will recur. My Bill seeks to provide a better way of responding to them and does so on the basis that there is an identifiable pathology in the process that follows pretty much all public disasters. The nature and extent of a public disaster demands a response from government. The same questions are asked: who is to blame? What can be done to prevent it happening again? Finding the answers does not put the bereaved families anywhere near the centre of that process. The state naturally assumes for itself the dispensation of justice and the needs and wishes of victims, including the bereaved, are not always paramount. As the process unfolds, there is an inevitable tendency for those in official positions, with all the resources at their disposal, who fear that they might be blamed in some way for what happened, to close ranks. They often skew the results of any investigation, as they are in a position to do so, often funded by the taxpayer. The report of the Hillsborough Independent Panel graphically illustrated this pathology in action, in the way it exposed the behaviour of the police, but it is not only the police that are susceptible to these sorts of behaviours.

As I said seven years ago,

"the interests of justice and good government would not necessarily be best delivered by removing the state altogether from the process of responding to public disasters".

That clearly is not the case. I said:

"The challenge, therefore, is to strike a better balance between the impartial discharge of justice and good government and protecting the interests and feelings of the bereaved and injured survivors".—[*Official Report*, 29/1/16; col. 1521.]

My Bill seeks to establish three pillars of a new system. The first is transparency. Without it, the bereaved will never achieve anything approaching closure and it is difficult, often impossible, for the public policy lessons to be learned and for necessary reforms to be made. The second pillar is the creation of an institutionalised, independent, adequately resourced

advocate for the bereaved. Those bereaved in future public disasters should not have to rely on ad hoc remedies such as those that, in the end, delivered some progress for those bereaved at Hillsborough. Finally, the third pillar is the need to ensure that victims and the bereaved have some agency in the process. No longer must they be left on the sidelines, dealing with grief and loss while the state proceeds, apparently on their behalf but without giving them any agency in the process.

The Government have adopted only one of those three pillars, and that only in part. Their proposals do not provide any guaranteed mechanism for securing full transparency, such as that achieved by the Hillsborough Independent Panel. They deny the victims and the bereaved any effective agency. In giving them power to set up an independent public advocate, the government Bill gives the Secretary of State unfettered discretion about whether to appoint one. It gives them similarly unfettered power to dismiss them. They have unfettered powers over whether to appoint a Hillsborough-type panel to secure transparency. Moreover, it appears that the advocate, in its proposals, may produce a report only if the Secretary of State requests it.

The government proposals mean that the victims and the bereaved are being given no effective agency and that transparency might well be obscured. That is precisely what my Bill seeks to achieve. Now, the government view appears to be that, as the Government are democratically accountable, they must be able to wield the executive power for which they will be held to account by government and the electorate. This is not an unreasonable position at all, but it does not mean, in adopting that position, that they have to deny bereaved families any effective agency at all in these matters, which is the current position; nor can they justify any failure to maximise transparency, which, again, appears to be the current position. My Bill could easily be amended, and the Government could easily adopt it, to deal with these problems with the Government's proposals.

One way forward, for example, might be to give the Secretary of State a legal power to appoint an independent public advocate and/or a public inquiry, but to specify in a way that would be subject to judicial review that they must do so with regard to the views of the bereaved families. The benefits of an independent public advocate, an inquiry and/or a Hillsborough-type panel include cost, timeliness, transparency and any wider public interests.

The points about cost, timeliness and transparency are crucial. One of the lessons of the Hillsborough public inquiry is what it achieved, even 20-odd years after the event, more swiftly and more cheaply than the two public inquiries that preceded it. It would be a much more effective way of securing public policy goals in my view, which is why my Bill is drafted as it is.

Crucially, the Bill also includes the provision that the Secretary of State must produce a debateable report to Parliament justifying why they have or have not exercised this power. That must be published as soon as possible after the public disaster. Any delay at all will only compound the grief and sense of loss of the bereaved families.

The families bereaved at Hillsborough have fought a dignified and indomitable campaign for decades to secure truth and justice for those who they lost. They were traduced in the popular press, particularly by the *Sun* newspaper, and by the former Prime Minister who has just resigned from Parliament. They have fought a dignified battle in the face of these terrible unjustified attacks on those who they loved and lost.

Today, I am asking the Government to make their legacy of the independent public advocate a meaningful one, and to give them hope that the Government will be prepared to amend the Bill in the ways that I have described. I hope that the Government give me that reassurance today, so that I do not have to persevere any further with a Bill that has already been waiting seven years to be brought into effect. I beg to move.

2.52 pm

Lord Addington (LD): My Lords, as the noble Lord just said, this Bill has been a long time coming. It is coming because of a felt public need that the general public did not get justice, having been confronted by what turned out to be at least some elements of cover-up and, to be perfectly honest, behind-covering by the establishment. The cover-up, as the noble Lord just mentioned, involved the use of stereotypes, saying that the group were all hooligans. That was an easy position to take in the late 1980s when football did not have a good reputation, but it was not the case here. People then refused to admit that they had made mistakes. This appalling record is only just finishing now, three and a half decades later. On those grounds alone, the noble Lord is absolutely justified in taking up Parliament's time as he has. There can be no real argument about that.

I am sure the Minister will say that these circumstances could not happen now or as easily. That is possible, and there may be something in that—it is a pretty standard government reply. They go through a process of saying, "We've done something", but if it is not absolutely transparent, they have not addressed the biggest part of this. People having to fight to put their rights in law is the starting point of many a campaign. It is very easy to pass a law and say that this should not happen, but everybody who has been involved in any campaign knows that the real work starts in making sure that the law is enforced and that the people in power understand it and implement it properly.

From my experience of Parliament, that is my message about what should be done: you can have a nice statement about everything that should happen, but how do you enforce it? How do you find those people who do not understand how or are unwilling to enforce it, because it is difficult or it makes them look bad? That is what happened here, and it led to obfuscation, people not admitting what had gone wrong and a legacy of distrust.

I will not be as elegant as the noble Lord, Lord Wills, was when he introduced the idea of a tripartite approach, but I hope the Minister will tell us that people will be able to see what is going on and have someone who can guide them through it. If that element is brought in, the biggest potential gain of this Bill will have been achieved—ensuring that people

[Lord Addington]
understand what is happening. That is what did not happen. When someone defends themselves with the stereotype of "This is what people like this do", we can say that, no, it did not happen like that, or indeed it did, to let people know what happened and the justification for that decision.

Making a process transparent, and one that people trust in, is something which all bits of government should at the moment take very seriously. This predates the height of conspiracy culture, but here there is a chance to address it, and to address it when things have gone seriously wrong. If the Government are not prepared to seize this opportunity, they are making a big mistake, and making it much more difficult for anyone who sits on the Treasury Bench to find the time and effort to go back to this. I hope the Government can assure us that they will either expand what they have taken from the aims of this Bill or show us where they will achieve it somewhere else. Saying that the current system is fine really will not cut it.

2.56 pm

Lord Ponsonby of Shulbrede (Lab): My Lords, I declare an interest. A very close friend of mine's brother was killed at Hillsborough. I congratulate my noble friend on introducing his Private Member's Bill.

After years of campaigning and a former manifesto promise to create the office of the public advocate, the Government have finally formally announced their intention to introduce legislation. On 2 March, the Minister announced government plans to

"legislate as soon as possible to introduce an independent public advocate; to put victims and the bereaved at the heart of our response to large-scale public disasters".—[*Official Report*, 2/3/23; col. 415.]

However, the Government's proposals, as set out in Clauses 24 to 31 of the Victims and Prisoners Bill, will create a relatively powerless public advocate. The advocate, when appointed, would be temporary and have limited powers. They would not have the power to start an inquiry. The advocate would be temporarily appointed for a specific major incident, on terms agreed between them and the Secretary of State. They would have far more limited powers than those which had been envisaged, and rightly demanded, by the Hillsborough families and their campaigners.

This Private Member's Bill introduced by my noble friend is an improvement on the Government's current proposals. For example, the Bill provides that, once appointed, the advocate would be a permanent post and, in addition to undertaking functions when invited by the Lord Chancellor, they would be able to exercise their functions in response to major events, if both of the following criteria are met: first, if an event has led to large-scale loss of life and involved serious health and safety issues, a failure in regulation or other events of serious concern; and, secondly, if the advocate has been asked to undertake their functions by 50% plus one or more of the total of the representatives of those deceased due to the event and any injured survivors.

The Labour Party does not believe that the current proposals for independent public advocates contained within the Victims and Prisoners Bill are adequate. We plan to consider amendments to the Bill when it comes to this House to establish a fully independent legal advocate accountable to families, as the Hillsborough families and campaigners have demanded—an advocate with the power to access documents and data, not only to expose the full extent of the failure but to prevent the possibility of cover-ups, such as those that denied families justice immediately after the Hillsborough disaster.

I close by saying that I admire my noble friend's persistence on this matter, which is one that provokes the highest of feelings across society, in many ways. We look forward to taking this matter further when the Bill comes before this House later this year.

3 pm

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bellamy) (Con): My Lords, I first echo the words of the noble Lord, Lord Ponsonby, and associate myself with his commendation of the persistence, determination and integrity with which the noble Lord, Lord Wills, has introduced this Bill and has for many years pursued his commitment to the creation of a public advocate, engaging with the Government and colleagues on this issue over a prolonged period. Indeed, in that connection, I commend how the noble Lord, Lord Wills, other noble Lords and those in the other place have worked to support the Hillsborough families in their long campaign for justice.

It is imperative that lessons are learned from the experiences that the Hillsborough families have gone through. The Government are not saying that we could not have another Hillsborough; I think it most unlikely, but we have to assume that things will happen in the future. Therefore, we have to learn the lessons from the Hillsborough experience, including from the two earlier public inquiries and the long process by which we have, finally, nearly reached the end of that particular investigative process.

We have to think hard about the points that have rightly been made on transparency, which is often the key issue. As the noble Lord, Lord Addington, just said, the cover-up is the crucial difficulty and, very often, the major obstacle to getting at the truth, learning lessons and, most importantly, finding closure for the families. Transparency is extraordinarily important and giving victims and the bereaved agency is equally, if not more, important. Here you have families, ordinary people, living their lives. What on earth do they do? How do they get organised? Who is to speak for them? How do they respond to great tragedies? Of course, this is about not only Hillsborough but Grenfell, the Manchester Arena bombing and other instances of that kind.

That is why the Government are introducing a proposal to set up an independent public advocate structure. There is no disagreement about the end; the disagreement is about the means to do it. I am not sure that today is the day to prejudge the debate that we will have on the Victims and Prisoners Bill, but the Government are clearly listening to all the points that have been made today to see how this can, mostly, work to best advantage.

For the record, I shall briefly set out the role of the independent public advocate as envisaged in the Bill. First, it is to provide practical support for victims, enabling them to understand their rights and signposting them to support services. Secondly, it is to give them a voice: in other words, to give them the agency they need by advocating on their behalf—this is, after all, an advocate, someone who speaks on their behalf. As the Government see it, one function of such an advocate will be to insist on the maximum amount of transparency achievable in the circumstances. It seems an obvious role for such an advocate to give a voice to the wider communities.

It is envisaged that there will be a permanent full-time staff; it is not envisaged that there will be a single person who is "the public advocate". There will be a panel of persons who will be called upon from time to time, ad hoc, when these tragedies arise to play that role. The public advocate will also be acting in the wider interests of the public, because they are, after all, the public advocate; they will act in the interests of victims, the bereaved and the wider public on all those matters. That is the outline of the Bill, and I am sure when we come to debate the Victims and Prisoners Bill in more detail, there will be amendments and matters for further debate that we can go into in great detail.

As far as the current Bill, in the name of the noble Lord, Lord Wills, is concerned, it is a remarkable effort. However, to put it briefly, there are three areas where the Government are unconvinced. The first is the way that the data controller powers are supposed to work and whether that would add another layer of complexity to what is already a very complex process of helping bereaved families and getting to the bottom of the story. If one takes, for example, what might be regarded as model inquiries—the Grenfell inquiry conducted by Sir Martin Moore-Bick and the recent Manchester Arena inquiry—they have both worked extremely well and one would not want to overcomplicate this process and give rise to unforeseen conflicts with existing investigative authorities.

The second area is the trigger process the Bill envisages, which is to find 51% of the representatives of the deceased and injured. That is quite a difficult process, in the Government's view. It may be more efficient, as the present Bill provides, to allow the Secretary of State to proactively engage, appoint an IPA and start supporting victims and getting everything organised as soon as possible.

A third major area of not exactly disagreement but differing views, at the moment, is whether there should be a single permanent person—like the DPP; "I am the Public Advocate"—or whether you need a secretariat that is always there but a panel of people to draw upon, depending on the nature of the inquiry. You might not necessarily need a lawyer; you might need somebody with medical qualifications or specialist qualifications of another sort. All those are issues that need to be explored in more detail.

The Government's present view is that the proposed IPA will have a more tailored and a more agile response to these specific kinds of major incidents and will allow us to draw on a register of on-call advocates with a range of different experience and expertise.

As I said, as far as the end goal is concerned, there is very little between us. It is simply a question of discussing the means in more detail, which I hope we will do and which I look forward with great interest to doing in the course of considering the Victims and Prisoners Bill.

3.08 pm

Lord Wills (Lab): My Lords, I am very grateful to all noble Lords who have taken part in this debate. It has been a short debate, but I hope it has been another stage in making a profound difference to the lives of those who, in the future, may be involved in public tragedies, which, as the Minister said, are inevitable. I also hope it will make a difference to those who, out of a clear blue sky, find their lives transformed by a terrible public tragedy.

I am grateful to the noble Lord, Lord Addington, for his powerful expression of the need for transparency and better support for the bereaved. I am grateful, as I always am, for the support of my noble friend Lord Ponsonby, who reminded us all from direct personal experience that these are human beings at the centre of this. We have to remember that it is people such as his friend whom we have to try to support through this process.

I am also grateful to the Minister for his thoughtful, sympathetic approach to the issues raised by the Bill. I am encouraged—I hope I am not being misled—that he talks about focusing on the means rather than the end, on which we are all agreed. I find it most encouraging because it suggests that the Government's mind is still open on the important points we have discussed. I hope I am not wrong in interpreting his remarks in that way.

Lord Bellamy (Con): My Lords, I have to say that I give no commitment of any kind. I would not want anyone to read between the lines. All I am saying is that the Government will listen very carefully to the points being made.

Lord Wills (Lab): I am grateful to the Minister; I would not dream of expecting him to make any commitments today, but I am grateful for his willingness to listen, because it suggests a willingness to accept amendments that go in a slightly different direction. He rightly points out that this is not the time to debate the Victims and Prisoners Bill, but I draw his attention to his remarks about the complexity of the processes in my Bill. I will not die in a ditch over the drafting of my original Bill; I said seven years ago and am happy to repeat now that I am perfectly willing to accept that it is flawed and needs improvement in many detailed ways. It has never been my intention that it should proceed verbatim, as it were.

However, I worry that, underlying his remarks, he may think there is something innovative about a lot of this, as his remarks about the data controller suggested. I therefore draw his attention to the fact that there are two existing, very successful models that my Bill draws on and which are at its heart. I urge the Government to examine them. The first is the Independent Reviewer of Terrorism Legislation; if the Government look again at the remit for that institution, it is very analogous

[LORD WILLS]
to what is envisaged in my Bill. I urge them to think about adopting this proposal in the Victims and Prisoners Bill, in line with that.

The Minister talked about the complexity of the data controller's role. It is not actually complex at all; it is literally on the model I initially devised for the Hillsborough Independent Panel—my second example—which everybody agrees was a tremendous success. However, its success was not due to the conception; the primary reason for its success was the extraordinary chairmanship of the right reverend Bishop of Liverpool and all its members bringing specific expertise. I also pay tribute to the Home Office official who provided the secretariat for that panel; it was outstanding work that showed just how wonderful our Civil Service can be. At a time when it is regularly traduced as "The Blob" and all the rest of it, one should look at the work of Home Office officials such as them and just be grateful that they work in public service.

There are existing successful models which this institution in my Bill is based on. I hope that, as we move forward in a co-operative, cross-party way—we have done so until now and I very much hope we can continue in that frame of mind—the Government will bear those models in mind. I look forward to exploring all these issues in due course as the Victims and Prisoners Bill comes before your Lordships' House. In the meantime, I remain very grateful to all noble Lords who have taken part and to the Minister, and I ask that your Lordships give this Bill a Second Reading.

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

Protection from Sex-based Harassment in Public Bill

Second Reading

3.14 pm

Moved by ***Lord Wolfson of Tredegar***

That the Bill be now read a second time.

Lord Wolfson of Tredegar (Con): My Lords, for those watching, whether live or a recorded transmission at some future date, perhaps I should make two points at the outset. I am conscious that a man—that is, me—is proposing that the Bill be read a second time, and that the Minister, and indeed the noble Lord who will speak for the Opposition Front Bench, are also both men. There are in fact two good reasons for this. First, a technical reason is that nothing in the Bill limits it to women being the object of the harassment. Men can also be an object of harassment, although, on the vast and overwhelming majority of occasions, it is women who suffer from this crime. Secondly, and far more importantly, the reason why it is actually good that men are debating the Bill is that violence against women is not a matter just for women but for all of us. Therefore, I am pleased, if I can put it that way, that men in the Chamber are engaged in this debate.

I should also say for those watching that the limited number of speakers in this debate does not indicate that there is no enthusiasm in this House for this subject; on the contrary, it is exactly because there has been such broad cross-party support both here and in the other place that we have so few speakers today.

I must first thank a host of organisations and charities who have contributed to work on the Bill. In particular I mention in the parliamentary context Greg Clark MP, who introduced the Bill in the other place after his success in the ballot and who was kind enough to discuss the form of the legislation with me at the outset. It is therefore also kind of him to entrust me, if I can put it that way, with introducing Second Reading of the Bill in your Lordships' House today. However, the Bill, like other matters the House has debated today, is a cross-party effort in the sense that it has been supported, very strongly, across all parties. In that context, it is only fair for me also to mention Stella Creasy MP, who contributed significantly to the debate on the Bill in the other place and has worked in this area on a number of matters. I am also grateful to my noble friend the Minister, the Government Front Bench and other Front Benches for their support on the Bill.

Violence against women is experienced all too often in public places and indeed in private locations as well. It has always been wrong and has always been incapable of any justification. However, it is fair to say that in the last number of years there has been an increasing groundswell of public feeling on this issue, and I both regret and welcome that increased focus. I regret it because it shows that our society still suffers from this type of behaviour all too often. However, I also welcome it because the increased focus on this issue and indeed related issues will help us all to reduce, if not rid our society of, this sort of behaviour.

This is a very short and very focused Bill. It will not solve the problem, but it will be part of the solution. It builds on existing legislation; it does not criminalise anything which is not already illegal. However, it provides a higher sentence if the crime is motivated by the sex or the perceived sex of the victim—and that is as perceived by the offender, not the victim. It entails that if someone commits an offence under the existing Section 4A of the Public Order Act 1986 and does so because of the victim's sex, they can get a longer sentence: up to two years, rather than up to six months as now. It relates to behaviour in any location except where both the victim and the perpetrator are in a private dwelling.

The Bill does not specify the types of behaviour that will be covered, since that will be case dependent, but the Explanatory Notes give some likely examples. These include following a person—for example, deliberately walking closely behind someone as they walk home late at night; I should say that I have heard about that from my own daughters on occasion—making an obscene or aggressive comment towards a person; making an obscene or offensive gesture towards a person; obstructing a person making a journey; and driving or riding a vehicle slowly near a person making a journey. Importantly, there is a reasonable conduct defence, which was the subject of some discussion in

the other place, and an amendment was brought in which now requires Ministers to produce statutory guidance for the police about the new offence, in particular about the reasonable conduct defence. That reasonable conduct defence is already in the legislation, in Section 4A, but there will be statutory guidance about it.

The Bill does not fill a gap in the law: there is no gap. Public sexual harassment behaviour is already covered by existing criminal offences, especially offences in the Public Order Act. So, we do not need or, I suggest, want a new offence. When I spoke from the Front Bench, I frequently said that the statute book is not there as a form of semaphore to send signals. This does not create a new offence; as I said, it creates a higher sentence for a particular form of the offence.

Section 2 is therefore important. It refers to the guidance I mentioned, which will be issued to all relevant parties by the Secretary of State and provides that the chief constable and others in the police must have regard to that guidance. I should say, in parenthesis, that I found that a little odd when I first looked at it: I thought it could be taken for granted that chief constables would have regard to guidance. I presume, therefore, that this is standard drafting, but I would not want it thought that, in any other case, if we did not say they must have regard to it, that means that they can ignore it. I shall leave that there for the moment.

I draw the House's attention to the consequential amendments in Section 3, not because they are in any way problematic but because I feel I should, because the first of them amends the Football Spectators Act 1989, and I should probably declare my registered interest as the chair of the Football Regulatory Authority in that regard. Section 4 extends the Bill to England and Wales. Wales was bought in by an amendment in the other place. That was received with enthusiasm by the Welsh Government. I do not think I need to declare an interest there—I will just read out my name from *Hansard* in due course.

The critical point with the Bill is that legislation will not solve the problem. We need social and cultural change, but a legislative change can be part of the solution. I am very proud to have played a small part in getting the Bill to this stage and I very much hope that all parts of the House will be able to support it and therefore add another brick, so to speak, in the wall we are building, slowly but surely, against this type of behaviour. For those reasons, I beg to move.

3.23 pm

Baroness Hussein-Ece (LD): My Lords, I thank the noble Lord, Lord Wolfson, for introducing this very welcome Private Member's Bill. It is long overdue. I also welcome the fact that a man is introducing it and other men are speaking to it. I certainly do not feel like the token woman in this debate; I very much welcome support from all sides of the House.

Sexual harassment in public is something that most women and girls, and some men, will experience. Unwanted attention, sexual advances and intimidating behaviour in public spaces and on public transport are a fact of life, sadly, for many women and girls. I was reflecting on this and remembering my mother telling me about numerous occasions on which she was harassed when she came to this country as a 20 year-old and about the impact that that had on her confidence and her ability to go out and about on her business independently, without having to rely on male relatives.

I personally experienced that frequently when I was at school, as many girls did. I remember that, when I was in the sixth form, that culminated, while I was coming out of the school gates with some friends, in a man exposing himself to us. In that instance, the school called the police and, thankfully, he was apprehended, but I think we are all aware that the impact of that is quite devastating for many young girls.

I have had men shout out lewd and aggressive comments and, if they are ignored, as many of us try to do, they sometimes become even more aggressive and even obscene. I have been tailgated while driving and followed. Like many women, I have learned to change my behaviour to feel safe. Just a few weeks ago on the Tube, I witnessed a couple of young men making loud and lewd comments to a young woman about her appearance, and I am sure that she got off the tube just to get away from them.

The majority of women will have their own personal experiences; that is a sad reality of life. I have two daughters, who have also been subjected to this type of behaviour from a very young age, and I have seen the impact it has had on them. So I welcome the aim of the Bill to make it unacceptable to harass someone on the grounds of sex. Importantly, it sets out for the first time that it is not simply a woman's or a girl's responsibility to avoid these situations—it is society's job to stop individuals behaving like this. I agree with the noble Lord that we need cultural change; that will not happen overnight, but at least the Bill will put a building block in place that will enable some of that change. I believe that is slowly happening with the younger generation. My young son and his friends talk about how they have witnessed this and find it unacceptable, and they have intervened when they see young girls being harassed by men.

Plan International UK research found that three-quarters of girls and young women aged 12 to 21 have experienced a form of sexual harassment in a public space in their lifetimes, and the shocking figure of 62% will often avoid activities such as going out, socialising or going to the gym because they are worried about experiencing public sexual harassment.

My concern, shared by organisations that have been campaigning on these issues, is that in its current form it could fall short of delivering on its potential. I will highlight two main reasons. First, public offences are normally based on the concept of intent—whether someone intended to harass someone else—and they may well give the defence that, "I just thought my behaviour was reasonable". The bar for proving a perpetrator's intention is currently set too high. Will a perpetrator get away with sexual harassing people in public by claiming that it was just a joke or a compliment, or that they do not know how to take a compliment? The Bill does not explicitly define public sexual harassment, leaving such behaviour up to interpretation.

[Baroness Hussein-Ece]
We know that misogyny plays a big role but, until it is clearly defined, it will be all too easy to dismiss as mere banter.

My final point is that, in welcoming the guidance, I hope it will be widely shared with places such as schools, colleges and universities, where this is a particularly endemic problem. That will serve to ensure that women and girls feel empowered to make formal complaints and to educate boys and men on what is acceptable behaviour.

3.28 pm

Lord Ponsonby of Shulbrede (Lab): My Lords, I congratulate the noble Lord, Lord Wolfson, on introducing the Bill. I also congratulate him on taking on the chairmanship of the Football Regulatory Authority. I suspect that is something he will have to declare many times in future years.

I shall not repeat some of the figures that the noble Baroness, Lady Hussein-Ece, has given, regarding the reasons why everyone is against sexual harassment and how it is so gender-based. I suspect I received some of the same briefing materials as she did.

I thank the noble Lord, Lord Wolfson, for the way in which he introduced this Bill by emphasising that it is not introducing a new law as such but increases a maximum sentence and reintroduces guidelines so that police can have better guidance on how these sorts of offences might be charged.

The noble Lord said that, when he was a Minister, he often said that legislating is not a form of semaphore. I take the point but, nevertheless, a form of semaphore is sometimes welcome. I have dealt with many bits of legislation, as I know the noble Lord has, in which we are trying to indicate that society's attitudes are changing on violence towards women. A lot of legislation we have been involved with has been in the private sphere—domestic abuse and domestic violence. I know through my work as a sitting magistrate in Westminster Magistrates' Court, where we now have dedicated domestic abuse courts, that we are seeing greater awareness of trying to manage the process through the court system because of the high dropout rate of victims of domestic abuse. That is in the private sphere, and this Bill is dealing with similar issues in the public sphere.

It is of course true that this is hugely gendered in the way it is experienced by women and girls, particularly young girls; it is something they grow up with and a persistent part of their daily lives. The noble Lord is providing a service to the House in this modest Bill, and he was right to be modest in the claims he was making for it—he is realistic in that. It is of course part of an ongoing campaign. We heard something of the nature of that ongoing campaign from the noble Baroness, Lady Hussein-Ece, when she talked about the limitations, as she and the campaigners described them, of the Bill, including the level of the bar of intent, where things can be dismissed as banter. Perhaps more legislation on such definitions will come forward in future—I do not know.

Nevertheless, I welcome the Bill. I welcome a bit of semaphore from this House to say that society's expectations of behaviour are changing and that this is being reflected in our law courts and should be reflected in the activities of the police. With that reflection on the Bill, I am happy to welcome it.

3.32 pm

Lord Evans of Rainow (Con): My Lords, before I begin, I briefly pay tribute to the late Jo Cox. I thought of Jo at the recent Lords and Commons tug of war, because it was at such an event that I last saw her alive—she was cheering on the MPs as they beat the Lords.

It is a genuine pleasure to respond to this excellent debate. This is of course an issue of enormous public interest. I declare the interest of having a teenage daughter, who today finished her GCSEs, and this is of concern to us all as children grow up into adults. Had we been in any doubt about that, the significant public and media commentary about the Bill confirms just how important this issue is for the people of this country. I hope that the profound consideration we have all given to this legislation is a demonstration to the public that we really are determined to pass laws which will change their lives for the better.

I pay tribute to a range of people for bringing us to this point. In this Chamber, I thank my noble Lord Wolfson of Tredegar for sponsoring the Bill, and the other colleagues who have given such thoughtful speeches today. In the other place, the accolades must go to my right honourable friend Greg Clark MP, who was inspired to introduce this Bill by what he heard from one of his constituents about her experiences. I consider it important that the sponsors of this Bill in both Houses have been men, so that people do not think that this is just a "women's issue". For the same reason, I am very pleased to be responding to the debate today.

I pay tribute to my ministerial colleagues at the Home Office, Sarah Dines and Chris Philp, who steered the legislation so ably through the Commons Chamber, and to the many other Members of that House who provided important scrutiny of the provisions. I also emphasise the role of those many organisations outside Parliament that have campaigned for this legislation. This is not top-down legislation; rather, it is a fine example of a law which has come about thanks to the efforts of civil society and to the real groundswell of public interest in this issue since some of the terrible events of recent years.

I do not think that I am exaggerating when I say that this is a landmark piece of legislation. Violence against women and girls is now at the forefront of the nation's consciousness, which can only be a good thing. Of course, it was always at the forefront of the consciousness of women and girls, who have actually experienced it—including Members of this House, as the noble Baroness just shared with us. But it is now recognised universally as one of the most urgent priorities that we must address, and I know that that consensus is shared across the parties.

Of course, there are many forms of violence against women and girls that do greater relative harm than public sexual harassment; the terrible cases of Wayne Couzens and David Carrick are examples of that. But tackling public sexual harassment is still fundamentally

important. As noble Lords here today will need no reminding, it does real harm to women and girls—the unpleasantness of the experience itself; the fear; the damage to mental health; the state of high alert when walking through the streets; the fearful anticipation of the walk home at night; and the enjoyable experiences forgone by avoiding, say, bars and clubs in the night-time economy.

With this legislation, we are sending a clear message that this behaviour is wholly unacceptable. But it is more than just a message: the legislation should give people more confidence to report crimes, and it should make the police more aware of how to respond to them. The statutory guidance added to the Bill on Report in the other place will help greatly in that regard. The legislation should make perpetrators think twice before walking closely behind someone down the street or shouting an obscene comment at them.

So far, I have talked about women and girls. To echo my noble friend Lord Wolfson, women and girls are the main victims of public sexual harassment, so the Bill will protect them in particular. But anyone can be a victim of this crime, just as anyone can be a perpetrator of it, so my message to men and boys is: this law is here to protect you too.

I will briefly remind noble Lords what the Bill does. Existing Section 4A of the Public Order Act 1986 provides that, if someone intentionally causes another person "harassment, alarm or distress" through the use of "threatening, abusive or insulting" words or behaviour, "disorderly" behaviour or the display of any "visible representation" that is threatening, abusive or insulting, they are committing a crime that carries a maximum sentence of six months' imprisonment. That is the case unless both parties are in a private dwelling.

The Bill would create a new offence within the Public Order Act that would provide that, if someone commits an offence under Section 4A and does so because of the sex of the person to whom they intend to cause harassment, alarm or distress, they could instead receive a maximum sentence of up to two years in prison. The Bill also requires Ministers to publish guidance for the police about the new offence, to which they must have regard. This guidance must in particular cover the "reasonable conduct" defence inherited from Section 4A.

I hardly need state that legislation is not everything. The Bill is a necessary condition for putting an end to public sexual harassment, but it is not a sufficient one. We need to change the culture too, and to ensure that existing laws are enforced as well as they can be. I am proud that this Government have taken many such actions. Our StreetSafe tool, which has now been used to make around 28,000 reports, allows anyone to let the police know where they have felt unsafe.

Funding through the safer streets and safety of women at night funds has provided direct, practical protection to women and girls. For example, the police and crime commissioner for Surrey received £162,000 through round 3 of the safer streets fund to deliver a range of interventions aimed at improving the safety of women, with a focus on tackling indecent sexual exposures along Basingstoke canal. New guidance about the existing laws for the police was published 18 months ago and, for the CPS, 10 months ago. Above all there is our "Enough" communications campaign—because what is most important is changing the culture, making sure that everyone knows that it is not okay to harass, abuse or cause someone to feel fear.

I now turn my attention to some points that have been raised in this House and elsewhere. Concern has been expressed that the requirement to prove the defendant intended to cause harassment, alarm or distress will prove a barrier to prosecution. While I understand that concern, I do not share it. When the court is considering whether someone intended to cause harassment, while they will take into account what the defendant said that their motivation was, the real test will be what the objective circumstances show their likely motivation to be. I am sure that defendants will often say that they were just making a joke or paying a compliment. Defendants may say many things; they have nothing to lose. But it is what the court concludes which matters. If it is not plausible that they would be motivated by something other than the desire to cause harassment, I would not expect the court to be swayed by what the defendant says.

The need to prove intention—or mens rea, as the many legal experts in this House will know—is an element of many offences. Indeed, it is part of the existing defence of Section 4A of the Public Order Act, on which the legislation would build. Last year, there were 3,306 convictions for that offence—that is over 3,000 occasions on which it was proved, beyond reasonable doubt, that there was an intention to cause harassment, alarm or distress. I hope that provides reassurance to noble Lords that the intention test is no barrier to prosecution.

The view has also been expressed that the law should be targeted at behaviour that is sexual in nature, rather than behaviour based on the victim's sex—that is, on their being a woman or a man. I know that some of the organisations which have campaigned most actively for a new offence would prefer an offence which refers to unwanted sexual conduct. I would argue that the sex-based rather than sexual model of the Bill provides the most capacious coverage. It is hard to think of a behaviour that is sexual in nature but not also based on the victim's sex. It is easier to think of behaviour which is based on victim's sex but not sexual in nature—for example, shouting negative comments at a woman about her appearance or shouting that she should be at home in the kitchen. In other words, the Bill already covers unwanted sexual conduct, whereas a Bill based purely on that concept would exclude examples of behaviour which cause harm to a woman.

I confirm that it is the view of Ministers that public sexual harassment behaviour is already covered by existing offences. This view is shared by the police and CPS. This Bill is not about filling a gap in the law but about deterring behaviour, raising awareness and encouraging victims to report. The Bill in any case covers activity that causes harassment, alarm or distress only when that is also the intention of the perpetrator. That goes beyond any reasonable free speech principles. I direct noble Lords' attention to the examples set out

[Lord Evans of Rainow]
in the Explanatory Notes of the behaviour which might be covered by this law—for example: deliberately walking closely behind someone as they walk at night; making an obscene or aggressive comment towards a person; and obstructing a person making a journey. A reasonable person would not regard this as free speech. Of course, Explanatory Notes are not binding on courts, but they give courts and prosecutors a clear steer. In any case, there is a defence whereby the defendant can show that their conduct was reasonable.

The point has been made on whether the police will really have the evidence they need to enforce this law. The answer is: not in every case. That is true for any law, but we should not be unduly defeatist. There may be CCTV, mobile phone footage and witnesses. Just as we saw over 3,000 convictions last year for the existing Section 4A offence, we can also expect to see effective police investigations and convictions for this new offence.

Let us say here today that there will be an end to women having to put on trainers before they go home, in case they have to run; an end to having to ask their friends to text them when they get home; an end to having to hold their keys in the hand and to their being followed and being cornered; an end to the obscenities they are forced to hear; and an end to the aggressive comments, and the start of a time when women and girls—indeed, everyone—can walk the streets without fear. This Bill alone will not achieve those ends, but it will play a key part. I encourage all noble Lords to support this important Bill before us today.

3.44 pm

Lord Wolfson of Tredegar (Con): My Lords, I am very grateful to all who have taken part in this debate.

As the noble Baroness, Lady Hussein-Ece, said from personal experience in a very moving speech, it is the effect of this sort of behaviour that we are trying to target. It is a pernicious effect, because it is not just the immediate effect on the victim, as the noble Baroness identified; it is the effect that the victim starts to change their behaviour. Even when there is no actual harassment going on, because of the fear that there may be harassment and because of knowledge of previous occasions, people change their behaviour. Of course, they should not change their behaviour; the behaviour we should seek to change is the behaviour of the perpetrators. Ultimately, that is why this is a matter of social and cultural change, and not just a change in law. But change in law, as all speakers identified, is part of the solution, even if it is not all of the solution. I am very grateful for her support and for what she said.

I am also grateful to the noble Lord, Lord Ponsonby of Shulbrede, who made the important point that we have to target actions in both the private sphere and the public sphere. Over the past few years, this House and the other place have done quite a lot of work in the private sphere, and it is therefore right, as he said, that we should turn our attention now to the public sphere.

I am also very grateful to my noble friend the Minister for his comprehensive support for the Bill and for identifying the change of culture that is needed. I was going to say a couple of words on the point about intent, but my noble friend the Minister dealt with that. I add only that courts are used to dealing with questions of intent—it is an ingredient in many offences—and I would not expect it to be a problem for the courts with this offence. Indeed, it is already part of the underlying offence in Section 4A.

On public sexual harassment and what it means, it is better not to have examples in the Bill. As I said, we have some examples in the Explanatory Notes. The danger is that examples in the future Act itself can limit the application, because you could be limited to the nature of the examples. The way we normally do legislation here is to allow the courts to interpret it. We can be confident that in this area the courts will interpret these words in a sensible and natural way.

As I have said on a number of occasions, this will not solve the problem, but it is part of the solution.

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

House adjourned at 3.47 pm.