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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

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House of Lords

Monday 29 July 2024

2.30 pm

Prayers—read by the Lord Bishop of Southwark.

Introduction: Baroness Freeman of Steventon

2.37 pm

Alexandra Lee Jessica Freeman, having been created Baroness Freeman of Steventon, of Abingdon in the County of Oxfordshire, was introduced and made the solemn affirmation, supported by Viscount Colville of Culross and Baroness O'Neill of Bengarve, and signed an undertaking to abide by the Code of Conduct.

Introduction: Lord Tarassenko

2.43 pm

Lionel Tarassenko, CBE, having been created Baron Tarassenko, of Headington in the City of Oxford, was introduced and took the oath, supported by Baroness Royall of Blaisdon and Baroness Blackwood of North Oxford, and signed an undertaking to abide by the Code of Conduct.

Oaths and Affirmations

2.47 pm

Several noble Lords took the oath, and signed an undertaking to abide by the Code of Conduct.

Black, Asian and Minority-Ethnic Women: Maternal Mortality Rates

Question

2.49 pm

Asked by Baroness Gohir

To ask His Majesty's Government what plans they have to reduce the maternal mortality rates of Black, Asian and minority ethnic women, and to reduce the mortality rates of their babies.

Baroness Gohir (CB): My Lords, I beg leave to ask the Question standing in my name on the Order Paper, and declare my interests as set out in the register.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Baroness Merron) (Lab): My Lords, I first pay tribute to the noble Baroness for her work with the Muslim Women's Network, and for her excellent campaigning to end appalling inequities in women's experiences across the country. Interventions such as enhanced continuity of care for the most deprived and initiatives to tackle racism are key. However, further, urgent action is required. This Government are committed to closing the black and Asian mortality gaps and to ensuring safe and compassionate care for mothers and babies alike.

Baroness Gohir (CB): I thank the Minister for her comments. A number of maternity reports tell us exactly what is contributing to the poor outcomes for minority-ethnic women and their babies. Will the Government bring the recommendations in those reports together to ensure that hospital trusts and medical professional bodies follow them? Will the Minister consider appointing a maternity commissioner, because it would save lives?

Baroness Merron (Lab): I certainly agree with the noble Baroness that the maternity landscape is extremely crowded; there have been a number of reports and inquiries, along with investigations. I shall look very closely with officials at the recommendations from those reports as well as those that are forthcoming. With regard to an independent commissioner, I feel that there is general agreement about what the issues are, and the most important priority is to take action. Of course, in reviewing what is going on, as I am now in this post, I will consider all suggestions, and that includes the one from the noble Baroness.

Baroness Uddin (Non-Aff): My Lords, I also thank my noble friend Lady Gohir for her continuous campaign. I declare an interest having been involved in these matters in Tower Hamlets for some 40 years. I congratulate the Minister on her ministerial role. When she seeks to consolidate these matters and take the best course of action, will she ensure that she looks at the reports that have been on the shelves at the Royal London Hospital trust for the best part of 40 years?

Baroness Merron (Lab): I thank the noble Baroness for her kind remarks and good wishes. Certainly, all reports will be considered because we will look for what works.

Baroness Benjamin (LD): My Lords, sickle cell disorder affects mainly people whose heritage is from Africa, the Caribbean and Asia, and the Sickle Cell Society's report, *No One's Listening*, shows that people with sickle cell experience discrimination when they engage with the NHS. We know that black and Asian women are four times more likely to die in childbirth. Can the Minister assure the House that NHS maternity units have the right level of training, staffing and systems to support safe care for expectant mothers living with sickle cell? I declare an interest as a patron of the Sickle Cell Society.

Baroness Merron (Lab): The noble Baroness is quite right to draw the House's attention to the important matter of sickle cell. We look to specialist midwives to assist us in this. I have been asked for a particular assurance and it is correct that the noble Baroness seeks that. I shall be pleased to look into it to be able to come back to her in much greater detail.

Baroness Sugg (Con): My Lords, the previous Government introduced the first ever UK women's health ambassador, who can help to co-ordinate the complex changes that are needed to reduce the mortality rate for black, Asian and minority-ethnic women and their babies. Can the Minister commit to continuing to support the ambassador's work?

Baroness Merron (Lab): I pay tribute to the noble Baroness for her work promoting good health for women and girls, and I look forward to working with her and with other noble Lords across the House. One of the first calls that I made was to the women's health ambassador and I will certainly look to her to drive forward the change and improvements in patient safety and patient experience that we desperately need.

Baroness Prashar (CB): My Lords, while I welcome the Minister's commitment to look at all the recommendations that have been around for a pretty long time, and it is frustrating that action has not been taken, can she give a commitment that once she has considered those recommendations, and if there is a plan of action, she will report to the House on what that plan is likely to be?

Baroness Merron (Lab): I will indeed be very pleased to report back to your Lordships' House on this matter. It is something that greatly concerns me, because it cannot be acceptable that women go into childbirth, which should be a happy and safe occasion, and perhaps come away with trauma, and in some cases families experience death as well. We cannot have a situation like that. I have been very moved by the stories I have heard and will commit to working to put improvements in place, and to sharing that with noble Lords.

Lord Kamall (Con): My Lords, I welcome the Minister to her place. I look forward to working constructively with her as we did when our roles were reversed. Has she read the report by Sands, the baby loss charity? It gave examples of Asian parents being dismissed as either being too anxious or exaggerating their claims, while black parents were stereotyped as feisty or dramatic by some NHS staff. When I was a Minister, a young female civil servant told me about her friend, a young Afro-Caribbean lady whose baby died during birth. When she tried to get the records for what happened that evening, she was told that they had somehow magically disappeared. She was being gaslighted. We know that the majority of NHS staff are highly dedicated but, when we hear stories such as this, what does the Minister believe should be done to tackle the culture of cover-up and gaslighting by that small minority of NHS staff?

Baroness Merron (Lab): I thank the noble Lord for his kind remarks; I am very pleased to see him again across the Dispatch Box. The duty of candour is extremely important in all this. Racism in this area is not just towards mothers and families; as the noble Lord said, it is also towards staff. Clearly, we need to tackle this for both patients and staff. The patient's voice is key. Even at this early stage, it is quite clear to me that women, and people of black, Asian and minority-ethnic heritage, are not being listened to. We will bring forward plans to put this right. As part of the report to which I referred earlier, I will be glad to update the House in this regard.

Baroness Blackstone (Lab): My Lords, I declare my interest as set out in the register. Given the complexity of the causes of these unacceptable mortality rates,

what is the Minister's department doing to ensure that there is a cross-government approach to ending the maternal mortality gap?

Baroness Merron (Lab): My noble friend is quite right: this is a cross-government matter. There are complex reasons why black, Asian or minority-ethnic people are suffering far worse than those who are white. They include socio-economic factors such as deprivation and health inequalities being felt across the whole range. It is not going to be possible to solve this without cross-government co-operation. I look forward to working with my ministerial colleagues to put it right.

Baroness Hussein-Ece (LD): My Lords, I too welcome the Minister's commitment to addressing this very serious issue. As other noble Lords have mentioned, there have been numerous reports over the years from different trusts highlighting the crisis in maternity services. Training will help, but we hear constantly that a shortage of maternity nurses in many trusts is leading to such situations. The noble Baroness also mentioned that women are simply not being listened to. This has come out in many reports. Will she ensure that women's voices are heard when they are in labour and giving birth, as they are the experts about their own bodies?

Baroness Merron (Lab): I can say yes to the noble Baroness on the second point, because if we do not listen to patients, we will not get it right. The Government are committed to training more midwives and health visitors and to incentivising continuity of care, as well as to making sure that the National Health Service is focused on tackling inequalities that can be described only as shocking. I absolutely agree about training, but we also need leadership and a determination from the top to put this right, as well as practical plans.

Teesworks Programme: Audit *Question*

2.59 pm

Asked by Lord Scriven

To ask His Majesty's Government whether they plan to request the National Audit Office to carry out an inspection to the Teesworks programme, and if so when.

Lord Scriven (LD): I beg leave to ask the Question standing in my name on the Order Paper, and so doing draw the House's attention to my interest set out in the register as a vice-president of the Local Government Association.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government (Lord Khan of Burnley) (Lab): The previous Government asked the Tees Valley mayor to provide a progress update in September, following the recommendations of the independent review of Tees Valley Combined Authority's oversight of the South Tees Development Corporation and Teesworks Joint Venture. Once we have received that update, we will consider whether the questions that need to be answered have been and whether any further action should be taken.

Lord Scriven (LD): My Lords, many Teessiders' jaws will drop on the floor when they hear that Answer from the Minister, as every Labour candidate in Teesside promised that a National Audit Office review would take place. In the light of half a billion pounds of taxpayers' money being used and two businessmen making multimillion pound profits without taking any liabilities or any risk to their money, does that constitute best value? Why leave the people who have created the mess to solve the mess without any enforceable action being taken by Government?

Lord Khan of Burnley (Lab): My Lords, I pay tribute to the work the noble Lord, Lord Scriven, does in local government, and I understand the deep emotions that he talks about, because there are outstanding questions to which the public deserve answers. We understand that this issue, like all local issues, is emotive. This is evidenced by it being raised in this House and in the other place several times. In fact, the noble Lord, Lord Scriven, has asked this question before. This Government believe that scrutiny and transparency are important. However, we must carefully consider the mayor's response, due in September, and we will consider any further action to take when we receive it. We are not ruling out any options, and one option could be requesting the NAO to review.

Baroness Armstrong of Hill Top (Lab): My Lords, as the Minister knows, this is an issue that the people of Teesside take very strongly. When I was working in the Tees Valley across a number of constituencies during the election, they really wanted transparency. They want to know what has happened to the money that the public, via the Government and other agencies, have put in and whether the arrangement, which gives 90% of the benefit to two individuals and only 10% to the public, can stand up. I appreciate that the Minister will bring the report, but will he also ask his department to look at an overall system of audit and accountability, because that disappeared when the Audit Commission disappeared, and there is no coherent across-the-board system for the devolved mayors. We want to give them more power, but if they get more power there must be transparency and proper accountability.

Lord Khan of Burnley (Lab): I thank my noble friend for raising those important issues. It is true that the previous Government scrapped the Audit Commission and replaced it with a fragmented, locally led audit regime that is failing. This Government are committed to overhauling local audit and restoring better value for money for taxpayers. We are looking closely at all the evidence, and we will set out our plans, including legislation, shortly. I must remind the House that until we get the response of the Mayor of Tees Valley we cannot explore the options. We will wait for the response to the 26 recommendations which the mayor was asked to look at and then take further action.

Lord Shipley (LD): My Lords, the Minister said that scrutiny is important and has committed the Government to undertaking further action when the mayor's response has been received. What is the Minister's expectation of the timescale? The mayor will respond quite soon, as I understand it, and the Government

then have to say what they want to do. Can the Minister tell us how long that might be? Will he take into consideration the fact that the Tees Valley Combined Authority plans to have only five meetings of its cabinet in the period from September this year to the end of June 2025?

Lord Khan of Burnley (Lab): I cannot comment on the meeting schedule of the Tees Valley Combined Authority. That is something for it to look at. In relation to the timeline, I have said to the House in previous answers that until six months have passed and the mayor has had an opportunity to address the concerns in relation to the 26 recommendations, we cannot work on this further. In the meantime, we recognise the point made by my noble friend that local audit needs transformative change, and noble Lords will very shortly hear the plans for changing the way local in which audit takes place.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, does the Minister share my mystification that none of the Conservative Members of this House are getting on their feet to make a comment?

Lord Khan of Burnley (Lab): My Lords, I always enjoy my noble friend's mystification. However, I cannot comment on this particular issue. Noble Lords are very welcome to ask any questions, and I am looking forward to them.

Lord Young of Cookham (Con): My Lords, was there not an independent review into all these matters which found

"no evidence of corruption, wrongdoing or illegality"?

Lord Khan of Burnley (Lab): That is absolutely the case. However, there are recommendations on decision-making, governance and scrutiny. I appreciate the noble Lord's question.

Lord Scriven (LD): My Lords, I appreciate that the Minister has said the Government have to wait for the mayor's answers to the questions, which is different from what was being said before the Government were on the Government Benches. However, the review panel said in the report that the responses

"reduced our confidence that we have been given access to all relevant materials".

The panel also said that it had

"not been able to pursue all lines of evidence or examine all transactions".

Is that not why a full statutory audit is required: so that the Government convince themselves that Teessiders are getting value for money? With a response from the mayor, the report will have not seen all relevant information.

Lord Khan of Burnley (Lab): The noble Lord again makes an important point. I remind the House that it is not the normal role of the NAO to examine or to audit local bodies. However, I understand that the NAO previously stated that it is willing to work outside

[LORD KHAN OF BURNLEY]

its usual scope to undertake a review about Teesworks. We cannot prejudge the response of the Mayor of Tees Valley. When we get that response, we will look at it. In relation to the noble Lord's question, that is another issue for the combined authority and the Mayor of Tees Valley to look at. Whatever happens, once that response is back with the Government, we will look at it and take further action then.

Coronavirus: UK Deaths

Question

3.07 pm

Asked by Lord Robathan

To ask His Majesty's Government what initial assessment they have made of the number of deaths in the United Kingdom from coronavirus compared to other countries, and of whether the policy of lockdowns in 2020 was effective.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Baroness Merron) (Lab): My Lords, estimates of excess mortality from the Office for National Statistics show that, between January 2020 and July 2022, the UK's cumulative overall mortality rate was 3.1% higher than expected. Using this measure of excess mortality, the UK was ranked 15th highest out of 29 European nations examined by the ONS. Research funded through the National Institute for Health and Care Research estimates that national lockdowns saved more than 470,000 lives in the UK in the first few months of the pandemic.

Lord Robathan (Con): I welcome the noble Baroness to her position. She may not remember, but I did ask the same question of the last Government. I am sorry that the noble Lord, Lord Vallance, is not answering the question, because he has an encyclopaedic personal knowledge of this—and I would like to welcome him to his position as well. I will pick up the noble Baroness on what she has just said, because it appears that the Swedish model had a lower death rate than the UK model. We know the impact on the economy, on mental health and particularly on children's education that the lockdowns had, and the important thing, as the noble Baroness will know, is to not make the same mistakes again. So could she please examine this more carefully and come forward with an initial assessment on whether lockdowns, on a cost-benefit analysis, were worth having?

Baroness Merron (Lab): I thank the noble Lord for his kind welcome and I hear his disappointment that it is not my noble friend Lord Vallance—who will be extremely flattered—answering. On the matter of lockdowns, I start by paying tribute to the British public; it was they who rallied to ensure that lockdowns could save lives. Before Oral Questions, I met with the Chief Medical Officer to discuss the very point that the noble Lord has raised. I say to the House that, when looking at other countries, it is very important to consider the complexity of comparison; it is just not possible to draw direct comparisons. But what

I can say is that we are of course waiting for the Covid inquiry, which will shine a light on a number of the matters that the noble Lord has raised.

Lord Patel (CB): My Lords, on a previous occasion when the noble Lord asked the same Question and cited the Swedish mortality rates, I cited a study carried out in Scandinavia comparing the Swedish model with Scandinavian countries that implemented lockdowns. It clearly showed that the death rates were lower in those Scandinavian countries that implemented lockdowns. To satisfy the noble Lord today, I asked ChatGPT to compile all the evidence. It said:

"In summary, while lockdowns during COVID-19 were effective in reducing death rates from the virus itself, they also had complex and varied impacts on overall public health. The net effect on mortality rates includes both the direct benefits of reduced transmission and the indirect consequences of restricted mobility and access to healthcare".

Will the Minister agree that there is now some evidence that lockdowns were effective in reducing mortality?

Baroness Merron (Lab): I thank the noble Lord for his informed observations. It is true to say that every Government were making decisions based on balance and that, with that, as the noble Lord said, not locking down would have meant that more lives would have been lost. It is important to put on record that the clear majority of professional opinion in this country was that lockdowns absolutely had their place. Even though there was a balance in terms of difficulties with mental health, access to services and the impact on the economy, in Opposition we supported the then Government, as we would in any national emergency.

Baroness Neville-Rolfe (Con): I too welcome the noble Baroness to her role. On a less complex point, lockdown is a very expensive policy and should be used in very limited circumstances. So does the Minister agree in particular that damaging lockdowns in schools—this is about the education of our children—always need to be avoided if at all possible?

Baroness Merron (Lab): I thank the noble Baroness for her kind welcome. Of course, this was a decision taken by the last Government, supported by the Official Opposition. I would say that these kinds of factors were complex rather than "less complex". Nobody wants to have to lock down a country, but there are rare occasions when we have to consider that. Of course, circumstances changed under lockdown: the fantastic work of the vaccination programme and the vaccine allowed us to unlock. So it is always a moving feast—but I take note of the noble Baroness's point about the impact on young people.

Lord Scriven (LD): My Lords, the last Government decided to stop various methods for testing Covid-19 last year, other than for those in hospital. Other countries, including the USA, still collect data and the World Health Organization publishes it. So could I ask the Minister to help with public health screening and planning? Will the Government potentially look at this kind of testing being done again and the results published?

Baroness Merron (Lab): I will look into the noble Lord's point and come back to him in greater detail. But, fortunately, we can observe at least that Covid-19 is now a relatively mild disease for the vast majority of people. That allows us to put in place a more targeted programme aimed at those who are at higher risk of developing serious Covid-19. It is important that we take technical and expert advice about where we put our efforts.

The Earl of Clancarty (CB): My Lords, following on from the last question, will the Government ensure that the large number of long Covid sufferers do not become victims of the Government's drive to get the unemployed back to work when what they need primarily is the right medical care and, if necessary, financial support while they get well again? The clue is in the name of the condition; this could be a long process for many, as the Minister will appreciate.

Baroness Merron (Lab): I certainly do appreciate the point made by the noble Lord and certainly, as of April this year, there were some 90 adult post-Covid services introduced across England, along with an additional 10 for children and young people in the manner of hubs. I hope that will be a great support. Long Covid remains something of a new challenge, but these services are offering integrated assessment, medical treatment, rehabilitation and direct access to diagnostics and I can assure the noble Lord that we will not take our eye off the ball.

Lord Sikka (Lab): My Lords, a report by the Institution of Health Equity earlier this year stated that, between 2011 and 2019, over 1 million people died prematurely from a combination of Covid, austerity and poverty, which is a shameful record for the last Government. Can the Minister assure the House that this Government will not neglect the poor and will protect and enhance the real value of wages and benefits?

Baroness Merron (Lab): I can certainly assure my noble friend that we will be working across government to join up our approach because, as I have mentioned in a previous question, the complexity of all this is not to be ignored. Indeed, it is the case that people's incomes, where they live, the lives that they are managing and how their health is—whether they are, for example, obese or smokers—all impact on health and affect excess deaths. It is our duty to find ways of reducing avoidable deaths and we will do so.

Lord Lilley (Con): My Lords—

Baroness Bennett of Manor Castle (GP): My Lords—

Lord Kennedy of Southwark (Lab Co-op): My Lords, we have not heard from the Green Benches yet.

Baroness Bennett of Manor Castle (GP): I thank noble Lords. Following on from the question from the noble Earl, Lord Clancarty, about long Covid, and of course continuing new cases are arising even from apparently initially mild infections, we also face the threat that I hope the Government are watching closely of H5N1 in terms of other respiratory diseases, and we know it is only a matter of time before another

respiratory pandemic faces us. What steps are the Government taking to look at air filtration and ventilation systems to provide a better public health system that is more resistant to future diseases in schools and other public buildings and perhaps to provide ways for people to assess in premises they visit how good the ventilation and filtration is for them to be able to go into those environments?

Baroness Merron (Lab): The noble Baroness offers some helpful suggestions as to areas that we can be looking at, but this for me all comes under the headline of resilience and certainly we are monitoring potential emergencies, including the one that the noble Baroness refers to. I can assure her also that preparedness will not just focus on respiratory means of passing on disease but will now look at all of the five routes of transmission, and I feel that will make us a much more resilient country.

Horseracing and Bloodstock Industries

Question

3.18 pm

Asked by Lord Herbert of South Downs

To ask His Majesty's Government what steps they are taking to support the horseracing and bloodstock industries.

The Parliamentary Under-Secretary of State, Department for Culture, Media and Sport (Baroness Twycross) (Lab): The noble Lord has been a tireless champion for horseracing, which forms such a key part of our national sporting story. I am sure he is looking forward to the start of the Glorious Goodwood festival tomorrow and, like me, will have been thrilled to see Team GB's first gold medal of the Paris Olympics in eventing this lunchtime. The Government recognise the significant contribution that racing makes to British culture and its particular importance to the British economy.

Lord Herbert of South Downs (Con): My Lords, I welcome the Minister to her place. She may have anticipated my sporting plans for later this week. Racing is the country's second biggest spectator sport; it is worth over £4 billion a year to the economy, and it contributes to the Exchequer, employing tens of thousands of people. Yet it is not a sport that is in as good a financial state as it should be. The reason is that it receives a far lower share of betting turnover than in any of our peer group countries. As a result, prize money is far lower than in other countries, which poses a threat to the UK's racing industry, which is a world centre of excellence.

I encourage the Government not to repeat the mistakes made, regrettably, by the previous Government and to look again at the clumsily introduced affordability checks, which have cost the racing industry some £50 million a year in lost revenue. Also, will they return to the table with the betting industry and the racing industry to secure an increase in the levy, which is long overdue, and look at its reform, making it index-linked for the future? None of that would cost the Exchequer a penny, but it would be of immense importance to the industry.

Baroness Twycross (Lab): The Government entirely recognise the importance of the horseracing industry but also of the horserace betting levy to the industry and to the financial sustainability of the sport, which, as the noble Lord rightly states, contributes a considerable amount to the economy. I would be very happy to meet him to discuss the topic further and understand his views on the issue.

Lord Addington (LD): My Lords, could the Government go a little further when it comes to things such as the levy, when remembering that the vast majority of people who work in racing are doing so on something like the living wage? They are undertaking an activity that is often physically dangerous. A half-tonne of fight-or-flight response animal can take a fairly heavy toll on the human body in many circumstances. Can the Government make sure that they look at something so that this workforce is properly protected and supported?

Baroness Twycross (Lab): The Government are committed to making sure that the sector is sustainable, but I would be interested in discussing further with the noble Lord the issues that he raises. We are committed to making sure that the levy is administered efficiently to best support racing. It is too soon for me to commit to the shape of future policy.

Baroness Harding of Winscombe (Con): My Lords, I remind the House of my entries in the register of interests—specifically, my role as senior steward of the Jockey Club—and welcome the Minister to her place. If someone in the UK places a bet on racing overseas—in Ireland, for example—Irish racing benefits. If someone in Ireland places a bet on UK racing, Ireland benefits. Does the Minister think that is unfair? If she does, as I do, will she commit to extending the horseracing levy to bets placed in the UK on international racing and, in doing so, level the competitiveness between British and international jurisdictions?

Baroness Twycross (Lab): I thank the noble Baroness for her welcome. As she will be aware, the previous Government undertook a review that concluded in April. It is too soon for us to comment on the process or what might emerge from that, but we are keen to work with all parties and explore all the evidence before setting out next steps.

Lord Bellingham (Con): My Lords, further to the two questions just asked by my noble friends, will the Minister reflect on the point regarding Ireland? The discrepancy in the prize money between the UK and Ireland has become very severe, with the result that a number of UK owners are now locating their horses in Ireland. What can be done specifically to address that problem?

Baroness Twycross (Lab): I am aware of the difference between how different countries administer this. As I mentioned in my response to the noble Baroness, Lady Harding, the previous Government undertook a review that concluded only in April. It is too soon for

us to comment on that process, but I am very keen to work with all parties and explore all the evidence before setting out next steps.

Baroness Neville-Rolfe (Con): It is good to see a fair degree of agreement across the House that horseracing is very important. There are 4.8 million racegoers, and there is support right across the country, including from Her Majesty Queen Camilla and Lady Starmer. Does the Minister accept that the sport is disadvantaged? The competitiveness issue has been raised relative to France and Ireland on prize money, but it is also relative to Ireland in support for its bloodstock industry. How do the Government plan to remedy the situation, and is it possible for us to have a timetable?

Baroness Twycross (Lab): As I have said to other questions from noble Lords, the previous Government undertook a review that concluded only in April. I am committed to working with noble Lords across the House to make sure that we get the right arrangements for the industry and the levy is administered efficiently to best support racing. It is too soon, however, for me to commit to the shape of future policy.

Lord Soames of Fletching (Con): My Lords, I declare my interest as in the register. While we all want to tackle problem gambling, very wealthy punters who can comfortably sustain large losses really are not the issue. However, by driving them to the black market with poorly targeted affordability checks, the finances of racing have, as the Minister has heard, gravely damaged both a major national sport and an important rural industry. Will she make sure that any regulatory action proposed by the Gambling Commission is sensible and proportionate and, above all, avoids unintentional consequences?

Baroness Twycross (Lab): Most people gamble without issue, but we recognise the huge impact that harmful gambling can have on individuals and their families. As the noble Lord states, however, there is a difference between those who can gamble without issue and those who come to serious harms, both in their lives and those of their families. As stated in the Government's manifesto, we are absolutely committed to strengthening protections for those at risk. The Gambling Commission's new survey which came out last week really helps to show the wider picture of gambling behaviour across Great Britain, and we will consider its findings very carefully.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, I am mystified again. With all the knowledge on that side, with the former Member for the South Downs and the noble Baroness, Lady Harding, who is—what is she in the Jockey Club?

Noble Lords: Chief steward.

Lord Foulkes of Cumnock (Lab Co-op): Chief steward! She knows a thing or two about Covid as well. With all the knowledge on that side, why has nothing been done in the last 14 years to deal with this matter?

Baroness Twycross (Lab): With respect to the previous Government, they undertook a review of the levy, but it concluded only in April. If noble Lords bear with me, I will return to the matter as soon as is practical using a very evidence-based approach to make sure that we get the right arrangements in place for this important sector.

Lord Trefgarne (Con): My Lords, following our departure from the European Union, the transportation of racehorses around Europe became much more difficult. What steps can be taken to assist that procedure?

Baroness Twycross (Lab): Shall I just say yes? My understanding was that there were arrangements in place to facilitate the movement of racehorses around Europe. I will double check the facts on that and write to the noble Lord.

Baroness Ritchie of Downpatrick (Lab): My Lords, considering the issues that have been raised today, would my noble friend—whom I welcome to the Front Bench—consider meeting her ministerial equivalent in the Irish Government? Would she also encourage the British Horseracing Authority and the Irish Horseracing Regulatory Board—which is all-Ireland—to meet to discuss the various industries? In my own area, we have a racecourse, and it is vital to the local economy and the tourism industry.

Baroness Twycross (Lab): I would be delighted to meet my equivalent in the Irish Government, and I thank the noble Baroness for her question.

Carer's Allowance: Repayments

Private Notice Question

3.30 pm

Asked by Baroness Altmann

To ask His Majesty's Government how they plan to assist family carers who are required to make repayments of the Carer's Allowance plus additional fines or penalties.

Baroness Blake of Leeds (Lab): I start my reply by paying tribute to the millions of unpaid carers across this country who make such a vital contribution every day. We are taking urgent action to identify what has happened and why, so we can resolve this issue. We carefully balance our duty to the taxpayer to recover overpayments and ensuring that repayment of debt is affordable and sustainable, working with anyone who is struggling with their repayment terms.

Baroness Altmann (Con): I welcome the noble Baroness to the Front Bench and thank her for her reply. I am delighted to hear that the Government are reviewing this. At the moment, these unpaid carers get £81.90 a week and must be caring for at least 35 hours a week, which means a maximum of £2.34 per hour. They must also be earning under £151. Is this really the value that our country places on people looking after loved ones? Even worse, over 130,000 are being investigated, with their benefits being clawed back, being fined thousands of pounds, plunged into debt

and having to sell their homes. It has also emerged that the DWP has written to people, threatening them with fines that may increase if they appeal. I know that the noble Baroness would not wish this to be happening; none of us in this House would. Will she consider suspending investigations and new demands pending a proper review of these practices?

Baroness Blake of Leeds (Lab): I thank the noble Baroness, Lady Altmann, and also for her numerous contributions on this issue in debates, some of which I have been lucky to take part in over the last few months. Today is an important day, obviously, since Carers UK has published its report this morning, which is what I presume has prompted the Question. I am very pleased to announce to the House that, as we speak, the Minister of State for Social Security and Disability is meeting representatives from Carers UK and other related organisations, as well as—most importantly, given their absolute, central part in this whole situation—meeting with carers themselves. It is important that we wait to hear the outcome as we anticipate the review that the Minister of State is putting into place, so that we can swiftly move on to address the issues that the noble Baroness has brought up.

Baroness Pitkeathley (Lab): My Lords, it is good news indeed that the Minister of State is meeting with Carers UK. I am sure many of your Lordships will have seen the shocking report that came out this morning about the prosecution—indeed, I might say persecution—which some unpaid carers are suffering. The real problem is the so-called cliff edge: the minute you go one pound or even one penny over the limit, the debts start to mount up. About five years ago, we were assured that this problem was being dealt with, so I am very glad to note that it is being dealt with now. But I hope that we will never lose sight of the fact that carers want to have paid work as well as their unpaid work; it helps them emotionally, it helps them financially and it helps them in the future. We must never lose sight of the fact that we must encourage carers to have paid work as much as we can, without these kinds of barriers which have been put up.

Baroness Blake of Leeds (Lab): My noble friend Lady Pitkeathley has been working on this issue for many years, and I know we all commend the extraordinary work she has done on this. I know she will be involved in the review that takes place as we go forward. We have to introduce real understanding and compassion and also look at the ways we can improve the circumstances that carers are in today. This is an incredibly complex area, and we need to do everything to make sure the department's communications are as transparent and clear as possible and to give support to carers so they do not get into difficulties as they go forward.

Lord Fox (LD): My Lords, when I was piloting my Carer's Leave Bill through your Lordships' House, I became ever more aware of how perilous the economy of many carers' families is. My right honourable friend Ed Davey in the other place has been campaigning very hard on the needs of carers, not least on this issue. Does the Minister agree that this is not the

[LORD FOX]

carers' fault? The error lies with the DWP, and it is entirely inappropriate that carers should be fined for the DWP's error.

Baroness Blake of Leeds (Lab): Again, I thank the noble Lord for his work on this agenda. I very much recognise the sentiment behind his comments. I think the important thing is that we allow the review to take place at speed, to really get to grips with and understand the problems and complexities that carers are facing, so we can come up with a way forward that is fair and sustainable for the people who have been caught up in this problem and make sure we have policies going forward to make sure it cannot happen again.

Lord Cromwell (CB): My Lords, this is a complex matter—as we have been told several times—but, surely, underneath it is something very simple. It is most unlikely that these people are going to be gaming the system, and proportionality of recovery has to be the core of the response.

Baroness Blake of Leeds (Lab): I think it is absolutely right that proportionality is at the centre of this. We have to respect DWP officials to make sure that they look at the way this is handled and make sure every single case is dealt with fairly and in a sympathetic way. We have already heard today about the cliff-edge principle, which has already caused difficulties for carers, and we need to make sure, as far as we possibly can, that they have all the information, as well as regular review of their cases, to make sure people do not fall into this position again.

Lord Forsyth of Drumlean (Con): My Lords, we were all moved by the campaign of the leader of the Liberal Democrats on carers and caring during the election campaign. I seem to recall there was a suggestion that a Labour Government would introduce a royal commission on social care and caring. What has happened to that idea? Unless we can get all-party agreement—we have had endless reports about this—and some action, this problem will continue. It is central to dealing with the problems of the health service, which the Government have said is broken.

Baroness Blake of Leeds (Lab): I thank the noble Lord for his question. I think it is appropriate that we wait. We are only very shortly into this Government. Let us wait for the relevant departments to announce how it is going to take this forward. I look forward to his input when the work in progress is announced.

Baroness Lister of Burtersett (Lab): My Lords, I welcome what the Minister had to say, and I welcome my noble friend to her new role. She talked of a review. The review has to look at carer's allowance in the round. The scandalous treatment of those affected by the earnings rule is just the tip of an iceberg of problems associated with carer's allowance. Can she give us an assurance that the longer-term review will look at these fundamental problems with the allowance?

Baroness Blake of Leeds (Lab): I also thank my noble friend for the work she continues to do in this area. It is fundamental that we start looking at the areas that have come right to the surface, bring the relevant people together, look at everything in the round and make sure we do not leave any stone unturned and continue to make sure we have the fairest, most transparent system that we possibly can. Let us not forget that we are talking about some of the most vulnerable in our society and the people who care for them; this has to be at the front and centre of all our responses going forward.

Baroness Butler-Sloss (CB): Obviously, this review will take some time. Can the Minister say what will happen to the individual carers who are in this perilous state during this time before the review is completed?

Baroness Blake of Leeds (Lab): The noble and learned Baroness raises a pertinent point. The department is absolutely on this case, and work will be ongoing to give the maximum support that it possibly can, to make sure that people get the best access to information so that they can make decisions and keep the department informed if their circumstances change. We have to understand that some people are incredibly stretched with their caring responsibilities, and they need support and help to move forward.

Baroness Stedman-Scott (Con): My Lords, Her Majesty's Opposition join the noble Baroness in her ministerial capacity today in recognising the importance of the work of carers. I stood at that Dispatch Box many times and did just that, and we have not resiled from that at all. The last Government recognised that overpayments were happening and in fact increasing, and action was taken by gaining real-time information from HMRC so that carers who were in the position of beginning to overclaim could be contacted quickly and we could try to avoid it becoming a massive issue. We also helped those who found themselves in that position by either suspending their repayments until they were in a position to repay or indeed elongating the amount of time that would be given them to pay. Carers also receive an annual statement, and so they have an opportunity to make comments and representations to the DWP to talk about it. Can the noble Baroness say what we are going to continue to do to make sure that we get hold of the problem sooner rather than later, where it exists? On many occasions, I was lobbied and questioned in quite a lot of detail by people who asked whether the Government would write off these overpayments. I now take the opportunity, in the nicest spirit, to ask whether His Majesty's Government will write off these repayments, and whether any provisions have been made in the accounts to do so.

Baroness Blake of Leeds (Lab): I thank the noble Baroness, Lady Stedman-Scott, for her comments today and for the immense amount of work that she has done in this area over many years. The questions she asks are, of course, right at the heart of why the review is necessary. The fact that measures were brought in by

the previous Government, I think in recognition that some carers had fallen through the net, is to be noted. We cannot pre-empt what the review will say, but we also have to be mindful that everything we do is in the spirit of fairness, sustainability and affordability, and that we have a culture which encourages everyone involved to be treated with respect and given the support that they need through what can be extremely difficult times in their lives.

Baroness Andrews (Lab): My Lords, it is wonderful to see the noble Baroness at the Dispatch Box and to listen to the way in which she is responding to this wide range of questions. I entirely agree that there has to be a review of the carer's allowance because of the pathetic level and rigidity of the allowance. We can do something in the interim. The failure to actually inform carers that they have fallen behind is in fact a human problem; it is caused by the technology, but it can be addressed. However, I also urge the Government to look immediately at the notion of flexibility, to get rid of the cliff edge. I see no reason why this should not be made a priority, because it will make a huge difference to those women and men who are so stressed that this is the last straw for them. The evidence suggests that many of them are actually walking away from caring, which is the last thing we want; we want to support and celebrate them, not punish them.

Baroness Blake of Leeds (Lab): I thank my noble friend Lady Andrews for her sympathetic and direct comments on this issue. I know that she has been passionately involved in this area for many years. I was delighted to hear that the first meeting of officials and Ministers involves the carers themselves, which is important. We have to listen to the lived experience of people who are going through this whole change. For some people, it is dramatic and sudden—it is not something they anticipated—and we have to make sure that their voices are absolutely at the centre of the review, so that we can make informed decisions about where things have been failing and how we can improve them in the future.

Baroness Watkins of Tavistock (CB): My Lords, I welcome the noble Baroness to her ministerial role. Is she aware that flexible working is often the only work that carers can undertake, and therefore managing this cliffhanger one month, when they are probably entitled to the full allowance the following month, is just too complicated? Will the Government consider stopping the clock on any further fines and penalties during the period of this review?

Baroness Blake of Leeds (Lab): I thank the noble Baroness for her comments. As I have said all the way through, it is absolutely fundamental that we treat this issue with fairness for everybody involved. She raises the particularly interesting area of expenses for those who go out to work, and how we can weave them in to make sure that people do not suffer financially. There are so many issues to bring to bear with this and I look forward to hearing the outcome of the first discussions today so that can have an informed debate in this place to take matters forward.

Lithium-ion Battery Safety Bill [HL] *First Reading*

3.46 pm

A Bill to make provision regarding the safe storage, use and disposal of lithium-ion batteries; and for connected purposes.

The Bill was introduced by Lord Redesdale, read a first time and ordered to be printed.

Regulated and Other Activities (Mandatory Reporting of Child Sexual Abuse) Bill [HL] *First Reading*

3.46 pm

A Bill to mandate those providing and carrying out regulated or other activities with responsibility for the care of children to report known and suspected child sexual abuse; to protect mandated reporters from detriment; to create a criminal offence of failing to report prescribed concerns; and for connected purposes.

The Bill was introduced by Baroness Grey-Thompson, read a first time and ordered to be printed.

Deputy Chairmen of Committees

Built Environment

Communications and Digital

Constitution

Delegated Powers and Regulatory Reform

Economic Affairs

Environment and Climate Change

European Affairs

Financial Services Regulation

Food, Diet and Obesity

Hybrid Instruments

Industry and Regulators

International Agreements

International Relations and Defence

Justice and Home Affairs

Modern Slavery Act 2015

Parliamentary Office of Science and Technology (POST)

Preterm Birth

Public Services

Science and Technology

Secondary Legislation Scrutiny

Standing Orders (Private Bills)

Statutory Inquiries

Membership Motions

3.47 pm

Moved by The Senior Deputy Speaker

Deputy Chairmen of Committees

That, as proposed by the Committee of Selection, the following members be appointed as the panel of members to act as Deputy Chairmen of Committees for this session:

Ashton of Hyde, L, Barker, B, Beith, L, Bull, B, Colville of Culross, V, Duncan of Springbank, L, Faulkner of Worcester, L, Finlay of Llandaff, B, Fookes, B, Garden of Frogna, B, Geddes, L, Haskel, L, Healy of Primrose Hill, B, Kennedy of Cradley, B, Kennedy of Southwark, L, Kinnoull, E, Lexden, L, McIntosh of Hudnall, B, Morris of Bolton, B, Newlove, B, Pitkeathley, B, Russell of Liverpool, L, Scott of Needham Market, B, Stansgate, V, Stoneham of Droxford, L, Watkins of Tavistock, B, Williams of Trafford, B, Young of Cookham, L.

Built Environment

That a Select Committee be appointed to consider matters relating to the built environment, including policies relating to housing, planning, transport and infrastructure; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Andrews, B, Bailey of Paddington, L, Eaton, B, Faulkner of Worcester, L, Greenhalgh, L, Hanworth, V, Janke, B, Mair, L, Mawson, L, Miller of Chilthorne Domer, B, Moylan, L (*Chair*), Warwick of Undercliffe, B.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Communications and Digital

That a Select Committee be appointed to consider the media, digital and creative industries and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Dunlop, L, Hall of Birkenhead, L, Harding of Winscombe, B, Healy of Primrose Hill, B, Kamall, L, Knight of Weymouth, L, Leeds, Bp, McNally, L, Primarolo, B, Storey, L, Stowell of Beeston, B (*Chair*), Wheatcroft, B, Young of Norwood Green, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Constitution

That a Select Committee be appointed to examine the constitutional implications of public bills coming before the House; and to keep under review the operation of the constitution and constitutional aspects of devolution; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Anderson of Ipswich, L, Andrews, B, Beith, L, Burnett of Maldon, L, Drake, B (*Chair*), Falconer of Thoroton, L, Finn, B, Foulkes of Cumnock, L, Goldie, B, Keen of Elie, L, Strathclyde, L, Thomas of Gresford, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Delegated Powers and Regulatory Reform

That a Select Committee be appointed:

(1) To report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny;

(2) To report on documents and draft orders laid before Parliament under or by virtue of:

(a) sections 14 and 18 of the Legislative and Regulatory Reform Act 2006,

(b) section 7(2) or section 19 of the Localism Act 2011, or

(c) section 5E(2) of the Fire and Rescue Services Act 2004; and to perform, in respect of such draft orders, and in respect of subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001, the functions performed in respect of other instruments and draft instruments by the Joint Committee on Statutory Instruments; and

(3) To report on documents and draft orders laid before Parliament under or by virtue of:

(a) section 85 of the Northern Ireland Act 1998,

(b) section 17 of the Local Government Act 1999,

(c) section 9 of the Local Government Act 2000,

(d) section 98 of the Local Government Act 2003, or

(e) section 102 of the Local Transport Act 2008;

That, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Bakewell of Hardington Mandeville, B, Carlile of Berriew, L, Chakrabarti, B, Cunningham of Felling, L, Finlay of Llandaff, B, Goodman of Wycombe, L, Humphreys, B, Lindsay, E, McLoughlin, L (*Chair*), Rooker, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Economic Affairs

That a Select Committee be appointed to consider economic affairs and business affairs and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Blackwell, L, Bridges of Headley, L (*Chair*), Burns, L, Davies of Brixton, L, Griffiths of Fforestfach, L, Lamont of Lerwick, L, Layard, L, Liddell of Coatdyke, B, Londesborough, L, Razzall, L, Rooker, L, Turnbull, L, Verjee, L, Wolf of Dulwich, B.

That the Committee have power to appoint a sub-committee and to refer to it any of the matters within the Committee's terms of reference;

That the Committee have power to appoint the Chair of the sub-committee;

That the Committee have power to co-opt any member to serve on the sub-committee;

That the Committee and its sub-committee have power to send for persons, papers and records;

That the Committee and its sub-committee have power to appoint specialist advisers;

That the Committee and its sub-committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last Parliament be referred to the Committee;

That the evidence taken by the Committee or its sub-committee be published, if the Committee so wishes.

Environment and Climate Change

That a Select Committee be appointed to consider the environment and climate change and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Bakewell, B, Bray of Coln, B, Duncan of Springbank, L, Frost, L, Giddens, L, Grantchester, L, Jay of Ewelme, L, Leicester, E, Ravensdale, L, Russell, E, Sheehan, B (*Chair*), Trees, L, Whitaker, B.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

European Affairs

That a Select Committee be appointed:

(1) To consider matters relating to the United Kingdom's relationship with the European Union and the European Economic Area, including:

(a) The implementation of any agreements between the United Kingdom and the European Union, including the operation of the governance structures established under those agreements;

(b) Any negotiations and further agreements between the United Kingdom and the European Union and/or the European Economic Area;

(c) The operation of the Windsor Framework;

(2) To consider European Union documents deposited in the House by a minister;

(3) To support the House as appropriate in interparliamentary cooperation with the European Parliament and the Member States of the European Union;

That, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Adonis, L, Anelay of St Johns, B, Ashton of Upholland, B, Blackstone, B, Hayter of Kentish Town, B, Jackson of Peterborough, L, Lawlor, B, Ludford, B, Nicholson of Winterbourne, B, Ricketts, L (*Chair*), Scott of Needham Market, B, Stirrup, L, Wellington, D.

That the Committee have power to appoint a sub-committee and to refer to it any matters within its terms of reference;

That the Committee have power to appoint the Chair of the sub-committee;

That the Committee have power to co-opt any member to serve on the sub-committee;

That the Committee and its sub-committee have power to send for persons, papers and records;

That the Committee and its sub-committee have power to appoint specialist advisers;

That the Committee and its sub-committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committee in the previous Parliament be referred to the Committee or its sub-committee;

That the evidence taken by the Committee or its sub-committee be published, if the Committee so wishes.

Financial Services Regulation

That a committee be appointed to consider the regulation of financial services, including consultations notified to it under:

a) paragraphs 28 and 29 of Schedule 1ZA to the Financial Services and Markets Act 2000,

b) paragraphs 36 and 27 of Schedule 1ZB to the Financial Services and Markets Act 2000,

c) paragraph 33B of Schedule 17A to the Financial Services and Markets Act 2000, and

d) paragraphs 14A and 14B of Schedule 4 to the Financial Services (Banking Reform) Act 2013;

and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Bowles of Berkhamsted, B, Donaghy, B, Eatwell, L, Forsyth of Drumlean, L (*Chair*), Grabiner, L, Hill of Oareford, L, Hollick, L, Kestenbaum, L, Lilley, L, Noakes, B, Sharkey, L, Smith of Kelvin, L, Vaux of Harrowden, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Food, Diet and Obesity

That a Select Committee be appointed to consider the role of foods, such as ‘ultra-processed foods’, and foods high in fat, sugar and salt, in a healthy diet and tackling obesity; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Boycott, B, Brooke of Alverthorpe, L, Browning, B, Caithness, E, Colgrain, L, Goudie, B, Jenkin of Kennington, B, Krebs, L, Pitkeathley, B, Ritchie of Downpatrick, B, Suttie, B, Walmsley, B (*Chair*).

That the Committee have the power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the evidence taken by the Select Committee on Food, Diet and Obesity in the last Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes;

That the Committee do report by 30 November 2024;

That the report of the Committee be printed, regardless of any adjournment of the House.

Hybrid Instruments

That a Select Committee be appointed to consider hybrid instruments; and that, as proposed by the Committee of Selection, the following members together with the Senior Deputy Speaker be appointed to the Committee:

Addington, L, Dykes, L, Grantchester, L, Jenkin of Kennington, B.

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House; and

That the evidence taken by the Committee be published, if the Committee so wishes.

Industry and Regulators

That a Select Committee be appointed to consider matters relating to industry, including the policies of His Majesty’s Government to promote industrial growth, skills and competitiveness, and to scrutinise

the work of UK regulators; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Agnew of Oulton, L, Altrincham, L, Armstrong of Hill Top, B, Best, L, Chandos, V, Clement-Jones, L, Cromwell, L, Gilbert of Panteg, L, O'Grady of Upper Holloway, B, Taylor of Bolton, B (*Chair*), Thurso, V, Trenchard, V.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

International Agreements

That a Select Committee be appointed to consider, and where appropriate report on, 1) matters relating to the negotiation, conclusion and implementation of international agreements, and 2) treaties laid before Parliament in accordance with Part 2 of the Constitutional Reform and Governance Act 2010; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Anderson of Swansea, L, Boateng, L, Etherton, L, Fox, L, German, L, Goldsmith, L (*Chair*), Grimstone of Boscobel, L, Hannay of Chiswick, L, Howell of Guildford, L, Kingsmill, B, Marland, L, Udny-Lister, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

International Relations and Defence

That a Select Committee be appointed to consider the United Kingdom's international relations and issues relating to UK defence policy; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Alderdice, L, Bruce of Bennachie, L, Coussins, B, Crawley, B, De Mauley, L (*Chair*), Fraser of

Craigmaddie, B, Grocott, L, Houghton of Richmond, L, Morris of Bolton, B, Soames of Fletching, L, Wood of Anfield, L.

That the Committee have power to appoint a sub-committee for the purposes of any inquiry under section 3 of the Trade Act 2021;

That the Committee have power to appoint the Chair of the sub-committee;

That the Committee have power to co-opt any member to serve on the sub-committee;

That the Committee and its sub-committee have power to send for persons, papers and records;

That the Committee and its sub-committee have power to appoint specialist advisers;

That the Committee and its sub-committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committee in the last Parliament be referred to the Committee or its sub-committee;

That the evidence taken by the Committee or its sub-committee be published, if the Committee so wishes.

Justice and Home Affairs

That a Select Committee be appointed to consider justice and home affairs, including the domestic criminal justice system, and international cooperation in respect of criminal justice, civil justice, migration and asylum; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Bach, L, Buscombe, B, Dubs, L, Filkin, L, Foster of Bath, L (*Chair*), Henley, L, Hughes of Stretford, B, McInnes of Kilwinning, L, Meacher, B, Prashar, B, Sandhurst, L, Tope, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Modern Slavery Act 2015

That a Select Committee be appointed to consider the Modern Slavery Act 2015 and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Barker, B, Bristol, Bp, Butler-Sloss, B, Hamwee, B, Hope of Craighead, L, Kempself, L, O'Grady of

Upper Holloway, B (*Chair*), Randall of Uxbridge, L, Shephard of Northwold, B, Smith of Hindhead, L, Watson of Invergowrie, L, Watts, L, Whitty, L.

That the Committee have the power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the evidence taken by the Select Committee on the Modern Slavery Act 2015 in the last Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes;

That the Committee do report by 30 November 2024;

That the report of the Committee be printed, regardless of any adjournment of the House.

Parliamentary Office of Science and Technology (POST)

That, as proposed by the Committee of Selection, the following Lords be appointed to the Board of the Parliamentary Office of Science and Technology (POST):

Brown of Cambridge, B, Haskel, L, Ravensdale, L, Winston, L.

Preterm Birth

That a Select Committee be appointed to consider the prevention, and consequences, of preterm birth and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Blackstone, B, Colville of Culross, V, Cumberlege, B, Hampton, L, Hughes of Stretford, B, Owen of Alderley Edge, B, Patel, L (*Chair*), Seccombe, B, Watkins of Tavistock, B, Winston, L, Wyld, B.

That the Committee have the power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the evidence taken by the Select Committee on Preterm Birth in the last Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes;

That the Committee do report by 30 November 2024;

That the report of the Committee be printed, regardless of any adjournment of the House.

Public Services

That a Select Committee be appointed to consider public services, including health and education; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Bach, L, Blencathra, L, Campbell of Surbiton, B, Carter of Coles, L, Laming, L, Morris of Yardley, B (*Chair*), Mott, L, Porter of Spalding, L, Prentis of Leeds, L, Shipley, L, Stedman-Scott, B, Willis of Knaresborough, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee in the last Parliament be referred to the Committee;

That the evidence taken by the Committee be published, if the Committee so wishes.

Science and Technology

That a Select Committee be appointed to consider science and technology; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Berkeley, L, Borwick, L, Brown of Cambridge, B (*Chair*), Drayson, L, Lucas, L, Neuberger, B, Neville-Jones, B, Northover, B, Rees of Ludlow, L, Stansgate, V, Strasburger, L, Wei, L, Willis of Summertown, B, Young of Old Scone, B.

That the Committee have power to appoint sub-committees and that the Committee have power to appoint the Chairs of sub-committees;

That the Committee have power to co-opt any member to serve on the Committee or a sub-committee;

That the Committee and its sub-committees have power to send for persons, papers and records;

That the Committee and its sub-committees have power to appoint specialist advisers;

That the Committee and its sub-committees have power to meet outside Westminster;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committees in the last Parliament be referred to the Committee or its sub-committees;

That the evidence taken by the Committee or its sub-committees be published, if the Committee so wishes.

Secondary Legislation Scrutiny

That a Select Committee be appointed to scrutinise secondary legislation.

(1) The Committee shall report on draft instruments and memoranda laid before Parliament under—

(a) section 23(1) of the European Union (Withdrawal) Act 2018, and

(b) sections 12 and 14 of the Retained EU Law (Revocation and Reform) Act 2023.

(2) The Committee shall, with the exception of those instruments in paragraphs (4) and (5), scrutinise—

(a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;

(b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament, with a view to determining whether or not the special attention of the House should be drawn to it on any of the grounds specified in paragraph (3).

(3) The grounds on which an instrument, draft or proposal may be drawn to the special attention of the House are—

(a) that it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House;

(b) that it may be inappropriate in view of changed circumstances since the enactment of the parent Act;

(c) that it may imperfectly achieve its policy objectives;

(d) that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation;

(e) that there appear to be inadequacies in the consultation process which relates to the instrument;

(4) The exceptions are—

(a) remedial orders, and draft remedial orders, under section 10 of the Human Rights Act 1998;

(b) draft orders under sections 14 and 18 of the Legislative and Regulatory Reform Act 2006, and subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001;

(c) Measures under the Church of England Assembly (Powers) Act 1919 and instruments made, and drafts of instruments to be made, under them.

(5) The Committee shall report on draft orders and documents laid before Parliament under section 11(1) of the Public Bodies Act 2011 in accordance with the procedures set out in sections 11(5) and (6). The Committee may also consider and report on any material changes in a draft order laid under section 11(8) of the Act.

(6) The Committee shall also consider such other general matters relating to the effective scrutiny of secondary legislation and arising from the performance of its functions under paragraphs (1) to (5) as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

That the Committee have power to appoint sub-committees and to refer to them any matters within its terms of reference;

That the Committee have power to appoint the Chairs of sub-committees;

That the quorum of each sub-committee be two;

The Committee's power to appoint sub-committees shall lapse upon the expiry of the power to make instruments under section 23(1) of the European Union (Withdrawal) Act 2018;

That the Committee have power to co-opt any member to serve on a sub-committee;

That the Committee and its sub-committees have power to send for persons, papers and records;

That the Committee and its sub-committees have power to appoint specialist advisers;

That the Committee and its sub-committees have leave to report from time to time;

That the reports of the Committee and its sub-committees be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committees in the last Parliament be referred to the Committee or its sub-committees;

That the evidence taken by the Committee or its sub-committees be published, if the Committee or its sub-committees so wish;

That, as proposed by the Committee of Selection, the following members be appointed to the Committee:

De Mauley, L, Harris of Richmond, B, Hunt of Wirral, L, (*Chair*), Lea of Lymm, B, Powell of Bayswater, L, Randerson, B, Ritchie of Downpatrick, B, Rowlands, L, Russell of Liverpool, L, Thomas of Cwmgiedd, L, Watson of Wyre Forest, L.

Standing Orders (Private Bills)

That a Select Committee on the Standing Orders relating to private bills be appointed; and that, as proposed by the Committee of Selection, the following members together with the Senior Deputy Speaker be appointed to the Committee:

Finlay of Llandaff, B, Geddes, L, Jones, L, McColl of Dulwich, L, Naseby, L, Thomas of Winchester, B.

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

Statutory Inquiries

That a Select Committee be appointed to consider the efficacy of the law and practice relating to statutory inquiries under the Inquiries Act 2005,

and to make recommendations; and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Aberdare, L, Addington, L, Berridge, B, Chakrabarti, B, Davidson of Glen Clova, L, D'Souza, B, Faulks, L, Grantchester, L, Hendy, L, Norton of Louth, L (*Chair*), Sanderson of Welton, B, Wallace of Tankerness, L.

That the Committee have the power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside Westminster;

That the evidence taken by the Select Committee on Statutory Inquiries in the last Parliament be referred to the Committee;

That the Committee do report by 30 November 2024;

That the report of the Committee be printed, regardless of any adjournment of the House; and

That the evidence taken by the Committee be published, if the Committee so wishes.

The Senior Deputy Speaker (Lord Gardiner of Kimble):

My Lords, these Motions appoint the Select Committees, and noble Lords to Select Committees, the panel of Deputy Chairmen of Committees, and the Board of the Parliamentary Office of Science and Technology in this new Parliament. I beg to move.

Motions agreed.

Supply and Appropriation (Main Estimates) Bill

Second Reading (and remaining stages)

3.48 pm

Moved by Lord Livermore

That the Bill be now read a second time.

Bill read a second time. Committee negatived. Standing Order 44 having been dispensed with, the Bill was read a third time and passed.

Commonwealth Parliamentary Association and International Committee of the Red Cross (Status) Bill [HL]

Second Reading

3.49 pm

Moved by Baroness Chapman of Darlington

That the Bill be now read a second time.

The Parliamentary Under-Secretary of State, Foreign, Commonwealth and Development Office (Baroness Chapman of Darlington) (Lab): My Lords, on behalf of my noble friend Lord Collins of Highbury, I beg to move that this Bill be now read a second time. This is an important Bill, as it enables a long-awaited status change for two significant organisations. Indeed, the Bill comes at a crucial time for both the CPA and the ICRC. Before I go on, I want to comment on the hard work that the noble Lord, Lord Ahmad, put into the

previous Bill, before the election. He leaves very large shoes to fill on this side of the House, but endeavour to fill them we shall.

March saw the celebration of the 75th anniversary of the creation of the modern Commonwealth, and we continue to work together in partnership with our Commonwealth family on vital issues, such as empowering women and girls, bolstering the rule of law and good governance, and protecting the freedom of the media. The ICRC has been at the centre of international humanitarian work in recent years, including in Ukraine and the ongoing crisis in the Middle East. The UK values its partnership with the CPA and is proud to support work being done by the CPA and its regional branch, CPA UK. This includes developing benchmarks as indicators of parliamentary democracy, and addressing modern slavery in supply chains and gender-based violence with Parliaments and parliamentarians across the Commonwealth. The organisation's current status as a charity has meant that the CPA has been prevented from operating fully across the Commonwealth and international fora. Without this legislation, there remains a high possibility that the CPA would look to relocate its headquarters outside the UK.

The UK supports the ICRC and its important work around the world. It is an essential partner for achieving the UK's global humanitarian objectives, as it has unique legitimacy to engage all parties to conflicts and unparalleled access to vulnerable groups in conflict situations, and it operates in dangerous and challenging situations across the world. Its specialised role engaging with all those involved in conflict, including the growing number of non-state armed groups, is coupled with its direct delivery of a comprehensive range of integrated humanitarian assistance and protection programmes.

It is critical that both the CPA and the ICRC are given the correct status in UK legislation to conduct their work and deliver their objectives while operating in the UK. This will guarantee that the CPA remains headquartered in the UK, and that the UK is able to give the ICRC the guarantee that the information it shares with the UK Government is secure and protected.

That is why this Bill and the provisions contained in it are so important. They enable the Government to treat the CPA and the ICRC in a manner comparable to that of an international organisation of which the United Kingdom—or His Majesty's Government in the United Kingdom—is a member, so that the CPA is able to continue its work on promoting democracy and good governance across the Commonwealth, and the ICRC is able to pursue its humanitarian mandate in conflict zones. By creating the power, by Order in Council, to give both organisations the legal capacity of a body corporate—that is, the ability to bring claims and have claims brought against them, and to enter into contracts and hold assets and liabilities in their own name, as well as having specific privileges and immunities—the Bill will support the functional needs of the CPA and the ICRC, including their property, information, and certain personnel.

The actual suite of privileges and immunities to be conferred, including relevant exemptions and limitations, will be determined by the functional need of each organisation and will be specified in the Order in

Council. To be clear, personnel have no personal immunity if they commit a crime, and there is a clear carve out ensuring that they have no immunity in any vehicle incident.

The ICRC confidentiality provision in the Bill provides for the protection of certain information related to the ICRC's sensitive work, which it has provided in confidence to His Majesty's Government. For example, it is protected from being disclosed in UK court proceedings, except for criminal proceedings. This provision reflects the ICRC's standard working method of confidentiality, which is designed to protect its staff and operations in active conflict zones. The public disclosure of information that the ICRC obtains from confidential dialogue with conflict parties is likely to put this at risk. It is also a principle that underpins its ability to operate in dangerous locations on sensitive issues, such as negotiating safe access to civilian populations caught up in conflict, engagement with both state and non-state armed actors, and working with prisoners and hostages. There is undoubtedly a very clear risk and concern about ICRC information being used in legal proceedings, with the ICRC's confidentiality having been challenged in the UK some 20 times over the last 15 years. The Government therefore consider that the confidentiality provision is both necessary and proportionate.

The financial implications of the Bill are minimal and there will be little or no loss of revenue as a result of the fiscal exemptions or reliefs, which will be granted by delegated legislation through the provisions in the Bill. Refunds of certain taxes will be made in accordance with the separate arrangements between the Government and the CPA and the ICRC respectively, as is standard for international organisations. Administration of the arrangements will be resourced from the existing resources responsible for managing privileges and immunities with international organisations in the UK. The FCDO will consult both organisations ahead of secondary legislation, and will work closely with them to agree subsequent specific arrangements, detailing day-to-day management of the privileges and immunities granted to both organisations, based on functional need, and other facilities.

I assure noble Lords that any Order in Council made under Clause 1 or 2 of the Bill will be subject to the draft affirmative parliamentary procedure, which requires the approval of both Houses of Parliament. The FCDO has committed to lay the draft Order in Council as soon as possible.

To conclude, the Bill gives the CPA and the ICRC the correct status in UK legislation to allow both organisations to continue their international operations without restriction. It reflects the Government's strong commitment to the Commonwealth, and our support of democratic legislators through our work with the CPA and our global humanitarian objectives through our work with the ICRC. This is not the first time that the Bill has been read in this House. I thank the noble Baroness, Lady D'Souza, and the noble Lord, Lord Ahmad of Wimbledon, for their work to introduce the previous Private Member's Bill in the last parliamentary Session, and I thank noble Lord for their unwavering support of that Bill. I hope that this Bill continues to receive that support.

3.58 pm

Baroness Anelay of St Johns (Con): My Lords, I welcome the noble Baroness, Lady Chapman of Darlington, to the Government Front Bench, as I believe this is the first occasion that she has addressed the House from the Government's side. I know that, when she was on the Opposition Front Bench, her contributions were valued around the House.

I support the Bill, just as I supported it 10 weeks ago. As the Minister said, it has been through the rounds before, and was ably introduced as a Private Member's Bill in this place by the noble Baroness, Lady D'Souza, who will be speaking today. My right honourable friend Dame Maria Miller campaigned for this Bill for a long time, trying to get it through another place. Finally, she did, and it gained support from around the House of Commons before it reached this House. When the Bill had its Second Reading here, it again received support from around the House. It was, of course, a disappointment when Dissolution cut it off in its prime. Perhaps its prime is being reintroduced now by the Minister. Its reappearance as a government Bill is welcome.

It is right that the Bill should change the status of the Commonwealth Parliamentary Association and the International Committee of the Red Cross to ensure that the Government can treat them in a similar way to international organisations of which this country is a member. Currently, as the noble Baroness has mentioned, neither organisation falls within the scope of existing powers under the International Organisations Act 1968. Therefore, the Government cannot confer upon them the legal capacities of a body corporate unless this Bill is passed, not only by this House but by another place. Nor could the Government grant the organisations and their staff privileges and immunities which are appropriate for their functional needs.

The CPA, as I think we all appreciate as parliamentarians, plays a vital role in the promotion of democratic governance across the Commonwealth. Its constitution requires it to pursue the positive ideals of parliamentary democracy and the core values and principles of the Commonwealth on democracy, development, equality, human rights and the protection of the environment. Like my noble friends Lord Howell and Lord Ahmad, I was privileged to be Minister for the Commonwealth when a Minister of State at the FCO, but we did not get the Bill to this stage. So, this is a first as far as I am concerned.

The CPA advises us that, as a UK charity, it is limited in its ability to carry out certain activities which would assist in promoting democracy, human rights and democratic values across the Commonwealth. It is therefore all the more important to pass this Bill, which would enable the CPA to widen its activities and participate in an even more active promotion of democracy. Of course, there is a subtext here that the Minister raised—in bold text, as it were. We are advised by the CPA that if these measures are not passed, there is a strong possibility that it will relocate its headquarters outside the UK. That would surely risk weakening the UK's involvement in the CPA and the Commonwealth more broadly—a risk that can and should be avoided by passing this Bill.

[BARONESS ANELAY OF ST JOHNS]

The importance of the work of the ICRC is very well known—the noble Baroness has pointed that out. Its key functions under the Geneva Convention include assisting victims of armed conflict and serving as an intermediary between parties to armed conflict. Those who carry out their work are indeed brave. They face considerable difficulties; often, they are citizens of the country they are working in, and work at great risk. It is for their work that the ICRC does need at least some of the privileges and immunities normally accorded to international organisations. Until now, we have not taken the steps to make that leap—a leap that has already been made by over 100 other states. We are, I hope, catching up in the right way, at last.

During my time as Minister at the FCO, I used to meet Peter Maurer fairly regularly. He was then a redoubtable president of the ICRC and he would, on each occasion, explain to me why this Bill and these powers were necessary. When I say “explain”, I of course mean firm, diplomatic, strong persuasion. Unfortunately, the parliamentary time just did not happen at that stage. We can put this right by passing this Bill, I hope in its current form. It was amended as a Private Member’s Bill in another place. The amendments have been alluded to by the Minister, but I would like briefly to mention them because I think they go far enough on the immunities issue to make sure that the text we have before us today can stay as it is and not face further amendment.

Subsection (1)(e) and subsection (4) of Clause 2 put into effect those amendments that were agreed in another place when the Bill was a Private Member’s Bill. The text provides for protected ICRC information to be exempt from disclosure, except in circumstances where there was a court order in criminal proceedings or where information had been published by the ICRC itself. Those amendments were agreed then, appeared here and were welcomed when we had Second Reading of the Private Member’s Bill. I hope no further amendments are needed. I wish the Bill a fair passage and look forward to hearing from my noble friend Lord Ahmad, who will respond to this debate. It is a pity that it will be from the Opposition Front Bench now, because I valued him very much when he was in the Minister’s place.

4.04 pm

Baroness D’Souza (CB): My Lords, I too welcome the noble Baroness to her ministerial post and look forward to working with her.

This Bill has been very thoroughly washed, first in the other place, where it received an unopposed Second Reading due to the sterling efforts of many people, including the right honourable Maria Miller and Ian Liddell-Grainger—both no longer Members of the other place—the secretary-general of the Commonwealth Parliamentary Association, Stephen Twigg; the senior staff of the ICRC and many more, over many years, as the noble Baroness, Lady Anelay, has said.

The Bill was also unopposed and supported in this House before it fell due to Prorogation. I had thought that there would be a bit of a tussle to ensure that it

got through the ballot of Private Members’ Bills, but, as a generous and hugely welcome gesture, the Government have made it their own business—we are all truly grateful.

As many will remember, and as has been said already, the Bill essentially grants international status to both the CPA and the ICRC, enabling both bodies to benefit from the immunities and privileges of all other international bodies. These include, as we have already heard, the power, by Order in Council, to confer legal capacities of a body corporate on the CPA and ICRC; to grant the organisations, their information and staff certain privileges and immunities commensurate with their functional needs; to provide that references to international organisations in general legislation include, from now on, references to the CPA and ICRC; and to allow for certain confidential information that the ICRC shares with the UK Government to be exempted from legal disclosure requirements.

At the Bill’s Second Reading in this House before Dissolution, some useful suggestions—and indeed amendments passed in the other place—were put forward as to the bespoke enabling powers. As I understand it, these will be incorporated, where relevant, into separate written agreements that each organisation will agree with the Government.

There has been some urgency to the Bill and its unnecessarily long journey. The CPA governing body at two previous annual conferences determined that, should international status not be reached, there would be, as we have heard, serious efforts to move the headquarters to a member state that would be more sympathetic to the immunities and privileges already outlined. These privileges and immunities are—as we have learned, but which I wish to emphasise—absolutely crucial for the ICRC if it is to continue its UK operations in accordance with its international mandate. Speedy passing of this small and uncontroversial Bill will be a win-win. I look forward to seeing it on the statute book.

4.08 pm

Lord Howell of Guildford (Con): My Lords, I will talk entirely about the Commonwealth Parliamentary Association part of the Bill. I declare my interest, having had a long-standing concern for and interest in all Commonwealth affairs over many years.

At first, the Bill may seem a little small or marginal, compared with some of the vast issues we are grappling with internationally at the moment, but from small things often surprisingly large consequences flow. It may well be that we are dealing here with something that looks minor but could lead to very great changes in the way our own affairs are managed and our position in the world is established.

We had a very good Second Reading on the Bill on 17 May. I was just rereading what I and my colleagues said then. It is a bit of a Groundhog Day, because the truth is that one could perfectly get away with just repeating the speech of 17 May and probably no one would notice. In fact, there is a serious aspect to this, and a serious case for starting again—it was sunk by the general election.

There is a new urgency in this whole area—it is important for your Lordships to recognise that, and I am sure they do—because the Commonwealth network, which is vast and extends to 56 nations, with a queue of others wishing to join, is the biggest network of any kind on the entire planet and is changing very fast, as are overall world conditions. There is a need for us to recognise at every opportunity the enormous effects of these changes, which are taking place at this moment. It is not just trade, which is often cited as the main issue—trade and values are extremely valuable, of course—and it is not just that all the great growth of the next 30 years will be in Asia and driven by organisations like the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, which we have just joined and half of whose the members are, incidentally, Commonwealth. It becomes clearer every day that it is a security issue, and our position in the Commonwealth and the position of our representative organisations concerned with the Commonwealth, such as the CPA, are becoming more and more intertwined.

One has to be pretty blind nowadays not to understand that the Chinese are busy hoovering up influence throughout the entire Commonwealth—through Asia and the small islands of south-east Asia, Africa, the Caribbean, Latin America, and everywhere else. The Chinese are there and are taking an enormous interest—sometimes, I fear, a greater, more detailed, more expert interest than we ourselves take and have taken—in the progress and affairs of many Commonwealth countries, large and small.

Do we sit back and say, “That’s far away and doesn’t matter”? Are we entitled to shrug our shoulders and say that the Commonwealth has had its day? I do not think so at all. In fact, because of certain fundamental changes, the entire Commonwealth network is becoming infinitely more important to security; first, through the changes in the law of the sea—it is about 20 years old—which gave every island, however small, the rights of law of the sea on the shelves surrounding them, and in effect pock-marked the entire oceans not with the freedom of oceans that we believe in but in a series of controlled zones and areas going right across the planet. This is something the value of which, and the potential weaponry behind which, the Chinese have welcomed.

Secondly, there is the fact, which is just dawning on people, that war will be fought increasingly not with vast aerodromes and airstrips—although, as we know, the Chinese are building them in the South China Sea—but with drones. It is drones that are just holding the line for the Ukrainians at the moment—they will not hold it for very long unless they are further equipped—and it is drones that can be launched from tiny little islands and areas of land throughout the Commonwealth and can suddenly create an entirely new pattern of defence challenges.

Those are two reasons why we need to watch what is happening throughout the Commonwealth and what the Chinese are up to. I very much hope that the new Labour Government recognise this danger. I am sure they will, perhaps a little more vividly than the Government of the past 14 years did, with their other

preoccupations. This is an emerging role. Certainly the time has come to recognise that the parliamentary aspect of this is increasingly important.

As the world, the Atlantic relationship and the European relationship change around us, as we reposition, I hope that Labour will understand the need to and will seek to bring this whole process of the Commonwealth and its changing and evolutionary features much nearer to the centre of our national affairs and our national strategy. From a desperately small start, more countries in Africa are seeking to join the Commonwealth. Two or three joined recently, and there are said to be three or four more anxious to do so. This is not a dying club but a growing club, and I hope that the new permanent members will be mentioned.

Yesterday, in this House, a noble Lord mentioned one tiny little non-country—Somaliland. It is a disgrace that that country, which is full of vigour, operating in very difficult circumstances, as separate from Somalia, does not even have the status of a nation. It is treated as some sort of pariah, some difficult and unacceptable break in the pattern of international affairs. I hope that those in the new Government who are interested in the Commonwealth will look at the issue of Somaliland again.

The Bill not only reminds us that the Commonwealth is very much part of the future, as the late Queen mentioned: she called it an entirely new conception and in many ways the platform of the future, which statistically it literally is, because 60% of its 2.6 billion people are below the age of 28. We are looking at taking a tiny step today that helps our Parliament, and all parliaments, to assert and develop their role in the world that is to come.

We in our Parliament are hopelessly under-equipped in an age of vastly expanding executive power in a state that is incredibly weak—it is large but weak—and our Parliament is finding itself perhaps ill-equipped to perform even the basic functions that a populous age demands. In that sort of age, we very much need to have every kind of strengthening we can—to strengthen our own Parliament and to work with the rest of the parliaments in the network, about 53 of them, in ways that ensure that they all play their role.

In a strange way, as populism arrives everywhere because people are now empowered by carrying in their pockets the power to project their views, baked or half-baked, around the world, and every challenge to government can be mobilised with an enormous impetus that did not exist even 10 years ago, parliaments now have the task of improving the way they work and call everything to account and improving the way in which populism is filtered and executive tyranny and executive dominance are effectively held in check.

We stand in the middle between the forces of incoherent populism and the temptations of the Executive to act in their own threatening way. We could be seeing parliaments move into a new age. All the parliaments of the Commonwealth countries are now better placed as a result of a Bill such as this, which in Britain gives the CPA legal status as an international organisation. This is a positive result that gives parliaments a bigger role in a new digital age.

[LORD HOWELL OF GUILDFORD]

I have one final reflection. This is about people; it is not just about government institutions. That is why diplomats, including our FCDO, which labours splendidly in many areas of international diplomacy, find it difficult to cope with and to understand the huge significance of the Commonwealth in our future position. Why? It is because it is not just governmental. Large parts of it operate at every level in the interest of every group and every one of the 2.6 billion people in the Commonwealth. That is difficult for a diplomat to grasp: that there are forces at work outside of government control. Many Commonwealth Governments and leaders may differ from day to day and argue about specific issues. A lot of them do not necessarily agree with what the British Government have done or are doing in many important areas.

Nevertheless, the Commonwealth is becoming stronger all the time, because what is pulling it together is more effective and more forceful than what is pulling it apart. It is rooted in the ancient principles emanating from this old nation of ours, established painfully over centuries: free speech, parliamentary government and democratic practices—not just elections but behaviour in democracies, by which I mean upholding human rights, courtesy, honesty, presenting issues to the people, respect, good manners and other qualities which you cannot put into law and yet which make a democracy work, or not work in some cases. Of course, above all, we are bound together by the very wide usage of the common language of English, which is now the protocol of the planet and carries within it all the values which a language enshrines.

We are going to find that the Commonwealth will play a larger, not a smaller, role in the future international networks of the parliaments of this planet. This Bill brings that future, clouded though it may be by the present turmoil and troubles, a little nearer, and it deserves our strongest support and commitment. I welcome it very strongly indeed.

4.21 pm

Lord Udney-Lister (Con): My Lords, I congratulate the noble Baroness, Lady Chapman, on her position as a Front-Bench spokesman and a Minister in the Foreign Office.

I welcome the Second Reading of this Bill, which some could argue is long overdue, as it will reinforce this nation's standing as a responsible and engaged member of the international community. At a time during which rogue states are challenging global conventions, peace and security, passing this legislation and thus renewing our commitment to the CPA and the ICRC will project a clear message to the world that the United Kingdom is committed to supporting the international institutions that uphold democracy, safeguard the rule of law and enshrine the humanitarian principles that we as a nation hold dear.

The Commonwealth Parliamentary Association and the International Committee of the Red Cross have a long and proud history of being at the forefront of promoting peace and encouraging democracy, and it is on this basis that we should resolve in this place to ensure that they have formal recognition within our

legal framework. It is my hope that by granting this legislative recognition, we will be able to reset the UK's relationship with and place within these organisations to pave the way for greater collaboration and provide them with a renewed purpose that is fit to meet the demands of tomorrow.

The CPA undertakes important work in fostering friendships and collaborations between the 180 or so legislatures that, spanning nine geographical regions, cover the Commonwealth as we know it today. With such a large and unique coverage of some of the world's most strategically important and growing economies, it is my hope that the CPA will do more over the coming years to expand its focus to include fostering trade and economic co-operation among its member states. A trade-focused CPA could unlock opportunities for parliaments and parliamentarians throughout the Commonwealth to address pressing issues such as trade inequities, the digital divide and sustainable development.

The Commonwealth has done much in recent years to strengthen the role that it plays in enabling SMEs and businesses more generally to play an active and enhanced role in inter-Commonwealth trade. Furthermore, the Commonwealth Secretariat has done much through its digital connectivity agenda to encourage member states to take advantage of the opportunities presented by digital trade. It is my hope that the CPA will undertake future programmes in these spaces to encourage Commonwealth parliamentarians to promote better digital connectivity by improving regulatory frameworks and promoting best practice on digital infrastructure. The CPA has a very important future role to play, and I hope that this Bill, through providing the change in status that it requires, will encourage it to do more in the harmonisation of trade policies, the standardisation of regulation and the promotion of best practice among the member states.

I am sure I do not need to remind the House how important trade is as a driver to economic development and growth in the United Kingdom. With the CPA so uniquely positioned to facilitate dialogue and co-operation in this area, it would be a loss for there not to be a future organisational push in this direction.

I welcome the UK's long-standing commitment to, and partnership with, the CPA. It is important that this funding is used to support the United Kingdom's strategic objectives of trade and security within the Commonwealth bloc. I hope that the new Government will continue to support both the CPA and the CPA UK over the years ahead, especially with their ongoing projects in the Indo-Pacific, which align to the UK's trade focus following our recent accession to the CPTPP.

Turning briefly to the ICRC, I welcome the fact that this legislation will provide the ICRC with the opportunity to operate here in a way that it is already doing in 110 states, and further, how it brings us into full regulatory alignment with all other permanent members of the United Nations Security Council. In a world that is sadly plagued by armed conflict, state-sanctioned violence and war crimes, it is vital that the ICRC continues its work providing hope and humanity where it is needed the most.

I am proud of the UK's long-standing commitment to being one of the largest donors to the ICRC, which includes a contribution of some £132 million in 2023. However, the ICRC is heavily reliant on funding from the United States, Germany, the United Kingdom, Switzerland and the European Union; I hope that in the years to come the BRICS countries will step up and be encouraged to provide greater financial contributions to the ICRC. This is important, as the BRICS countries represent a significant portion of the world's population and economic power; their enhanced contributions are needed to enhance the ICRC's capacity to respond to emergencies worldwide.

I conclude by reiterating my support for this Bill, as it is aimed at providing the CPA and the ICRC with the legal recognition that they deserve. In a challenging time, it is vital that those two organisations are able to carry out their important work without unnecessary hindrance. The Bill before your Lordships' House today is thus not merely symbolic; it provides practical measures that will support and enhance the CPA and ICRC in fulfilling their respective mandates, and I fully support it.

4.27 pm

Baroness Northover (LD): My Lords, I also welcome the Minister to her position. I think that she may be focusing on Latin America—she is nodding. Our engagement there is vital if we are going to combat climate change, and I look forward to further engagement with her on that. I also want to take this as my first opportunity to thank the noble Lord, Lord Ahmad, for all his work and his inclusive approach to those in the Opposition. He was always willing to respond to messages in relation to the numerous conflicts and challenges that have arisen in foreign affairs. I also came to realise on Zoom during Covid what the noble Lord's attire must be when his young son came into the background, duly wearing a white shirt, tie and jacket just like his dad, and swimming shorts—just like his dad no doubt, just unseen.

It has also been excellent to work with the noble Lord, Lord Collins, who has made his party's support for this Bill very clear. I am impressed that Labour has moved so fast in reintroducing this Bill as a Government Bill, and I commend it for that. As we have heard, this Bill started as a Private Member's Bill introduced by Maria Miller in the other place; the noble Baroness, Lady D'Souza, introduced it into this House in May, and I commend them for their efforts. The Bill's aim is to treat the CPA and the ICRC in a comparable manner to international organisations of which the UK is a member. The Minister and others have laid out why that needs to be done, and its implications. They have pointed out that the ICRC and the CPA would not otherwise be considered as international organisations because they are not intergovernmental, hence the gap.

As we all know, the ICRC is impartial, with an exclusively humanitarian mission. It engages all parties to conflicts and assists vulnerable groups in conflict situations, and its independence and confidentiality are essential for its effectiveness. Unfortunately, with global crises as they are, it has much work to do in the

most difficult circumstances. So we support its promotion and implementation of international humanitarian law, which has been seriously under threat. Trying to ensure that there are international rules and that they are respected is absolutely vital.

As my noble friend Lord Purvis and others have noted, it is surprising that we have not agreed these provisions in the Bill before. The Explanatory Notes state that over 110 states have already done so, including all the other permanent members of the UN Security Council, so we obviously need to catch up.

As we are all aware, and as others have said, the Commonwealth Parliamentary Association seeks to build and strengthen support for parliamentary democracy. As the noble Lord, Lord Howell, has just said, so much of the future is with the young people of the Commonwealth. It wishes to have the freedom to undertake wider activities in promoting democracy and protecting the values and principles set out in the Commonwealth charter.

At the moment, the CPA operates as a UK-registered charity regulated by UK charitable law. Prior to the coalition, I was vice-chair of the CPA and, like many noble Lords and Members of the other place, I have benefited from engagement with parliamentarians across the world through the CPA and the IPU. We learn a great deal from each other. I recall in particular a visit to Pakistan led by the noble Baroness, Lady D'Souza, where we met women parliamentarians from right across the political spectrum. Led by their Speaker, a woman, they had worked deep into their own parties and with brave survivors to help criminalise the awful practice of acid attacks. This showed that it was possible to work together, even across political divides and cultures, for such outcomes. We parliamentarians from the UK stood in awe of what had been achieved by our fellow parliamentarians. This kind of engagement assists all parliamentarians.

The Bill will enable the Government to treat the CPA and the ICRC in a way that is comparable to other international organisations, such as the IPU under Swiss law. As others have said, these organisations help to uphold international law and democracy, and they are badly needed. I therefore welcome the Bill and lend it the support of these Benches.

4.33 pm

Lord Ahmad of Wimbledon (Con): My Lords, I congratulate the noble Baroness, Lady Chapman, on her role. I recall debating many different issues, most notably the Northern Ireland Protocol Bill—which often went late into the night. The Chamber this evening is packed by comparison with what the noble Baroness and I endured well past the midnight hour.

I am sure the noble Baroness recognises the importance of the insights provided by your Lordships' House during the passage of that Bill. We have seen that wisdom again today on issues of the Commonwealth. If I should dare to offer some advice after serving for 12 years continuously as a Government Minister, it would be that the wisdom and insights provided across your Lordships' House are incredible. I often say to my children that, where they googled, I had a cup of

[LORD AHMAD OF WIMBLEDON]

tea or coffee with a noble Lord who had incredible insights into the workings of not just our nation but the world—and that is needed more than ever.

So, I wish the noble Baroness well—I mean that with absolute sincerity—and I wish the same to my dear friend and colleague over many years, the noble Lord, Lord Collins, in his endeavours. I also thank the noble Baroness, Lady Northover, for the many years when, as she rightly pointed out, we worked together on many different briefs.

On the issue of the Commonwealth, I note that the noble Baroness is also the Minister for the Caribbean and I know how vital the Commonwealth is. My noble friends Lord Howell and Lady Anelay will recognise that the Commonwealth is regarded most highly within the context of the Caribbean and I am sure the noble Baroness, Lady Chapman, in her visits to the region will find how vital the work is of the Commonwealth but also notably of the CPA.

Saying all of that, it will come as no surprise that His Majesty's Official Opposition fully support the Bill. I must say, when I saw that the Bill was coming forward, I was asked by the shadow Chief Whip whether I would be willing to take it and speak from the Front Benches. I had no hesitation because, as noble Lords have said, this is long overdue and I congratulate the Government on prioritising it. Indeed, I give it the warmest of welcomes. I will add a small caveat: perhaps I will not be so positive about every piece of Government legislation introduced in the coming Session. Nevertheless, this is an important way forward, particularly in the year where we will be marking His Majesty's first official CHOGM in Samoa, which I will come to in a moment.

Before I go further, I also want to acknowledge, but also recognise and applaud, the incredible efforts of my dear friend Dame Maria Miller and, of course, Ian Liddell-Grainger. I remember the challenges that the Government were facing—several noble Lords have alluded to this—about the suggested move of the CPA to another country. It was during a particular break where constant calls were coming in. That is the life of a Minister; the phone never stops ringing. And by the way, when you leave your ministerial job, it is amazing how quickly it stops ringing. My children are wondering: who is this man who is now permanently positioned in our home, swimming shorts or not? They are in the paddling pool today as I speak.

One thing which is very notable is the consistent and persistent efforts of members of the CPA. Dame Maria Miller and Ian played a phenomenal role and I also add my immense thanks to the noble Baroness, Lady D'Souza. She steered this Bill through many different issues and challenges. How would this Bill be presented? As my noble friend Lady Anelay asked, would it be a government Bill or a Private Member's Bill? I cannot tell you the number of PBLs I had to sit through. I also pay tribute to the former Leader of the House of Commons, Penny Mordaunt, who did a sterling job in supporting and ensuring that the Government were behind the previous Private Member's Bill.

I also add my thanks to Stephen Twigg, the secretary-general of the CPA, who has become a good friend, for his advocacy for this over many years. If I may, I also pay tribute to someone who is not with us today from the Liberal Democrat Benches: the late Lord Chidgey. I remember in the planning of the 28th CHOGM the role of the CPA and the importance of having parliamentarians involved directly within the context of the workings of CHOGMs. It was Lord Chidgey, along with a number of others, who said, "Let's have that event as a precursor to the CHOGM itself", and it allowed us to ensure that parliamentarians played a direct role in feeding into the work of the CHOGM as well—and I know my noble friend Lord Howell also played a key role in that respect.

That CHOGM is remembered well by me, and my noble friend Lord Udny-Lister may remember this. It was April 2018 and suddenly there was a three-line whip under the shortly-to-be Baroness May. I received a call, which no doubt he used to receive quite regularly as chief of staff to the Prime Minister who succeeded Prime Minister May, Boris Johnson, and it went as follows: "Tariq, matey, we're on a three-line whip. You're on your own; you'll do a grand job". I was receiving the heads of the Commonwealth at Lancaster House at that time—but again I say to the Minister, those are the challenges you have to face. And I pay tribute to the FCDO officials, some of whom are in the Box today and are well known to me, for the swan-like nature of how we go about doing British diplomacy. The cares and the intensity and the worry were immense but, in true British manner, we dealt with whatever challenge came our way.

That, again, is the importance of why the CPA needs to be part and parcel of the United Kingdom. I am delighted that this Bill does just that. The CPA is a unique part of the Commonwealth family, with 56 countries coming together and parliamentarians from all walks of life playing an incredible role. The extension of immunities and privileges, as has been said, is long overdue.

With CHOGM on the horizon, I look forward to the work of the Government. Samoa is working hard, but it needs the United Kingdom's strong support—I know through the officials we were working with that, for both Rwanda and Samoa, whatever assistance is required the United Kingdom must step up and ensure that that happens, particularly in the presence of Their Majesties the King and the Queen. I know, absolutely irrespective of differing perspectives, that the new Government will stand fully in support of CHOGM, and I am delighted that we are supporting this aspect of privileges and immunities.

I turn briefly to the ICRC. It is a privilege to have worked very closely over many years with senior members of that team. My noble friend Lady Anelay mentioned Peter Maurer, who did an incredible job. My noble friend will recall the challenges Peter faced when the Russia-Ukraine conflict and Russia's illegal war in Ukraine began. The work of the ICRC is crucial: it is a bridge, and its independence and impartiality are key to ensuring that precious link for negotiations and ensuring that access to prisoners is sustained. I am delighted that the noble Lord for the Ministry of

Justice is on the Labour Front Bench, and I wish him well in his role. International access for the ICRC—in current conflicts within Gaza and Israel, for example, as well as in Ukraine—requires it to be fully supported.

I pay particular tribute to the current president, Mirjana Spoljaric Egger. I have sat with her several times and talked about the challenges that she faces directly and which her people face on the ground. It does require the privileges and immunities but, as the Minister in introducing the Bill mentioned, it requires those specific protections to ensure that the ICRC can go about its important work. It operates in 90-plus operational offices around the world, and engages with all sides, on the basis of neutrality, independence and impartiality. The ICRC, as we have heard, is the guardian of international humanitarian law. When we look at conflicts, we see that perhaps that guardianship is needed more than at any time that I can remember in the current age. Our support for the ICRC and its integration within the context of the Geneva conventions is vital, so that its unique role is fully recognised, as we were reminded of by several noble Lords in this important debate.

Within all that, confidentiality is key, so I welcome, as the noble Baroness, Lady D'Souza, mentioned, that the amendments to the previous Bill, which were tabled in the other place and taken forward here, are fully incorporated. This Bill carries our full support, and I wish it safe and swift passage. I look forward to working with the Government Front Bench on issues across foreign affairs, particularly on the Commonwealth.

The noble Baroness, Lady Northover, mentioned my children. I always say that I am a living, working product of the Commonwealth. My parents are of Indian heritage, and I am a born and bred Brit who married a woman from Australia whose parents are of Pakistani heritage—you can imagine the debates that we have on Kashmir. But I assure noble Lords that it works. Our children are, I feel, quite unique, and part of the identification that the CPA brings together of the Commonwealth family. They can choose between their Indian and Pakistani heritage, being true Brits—and I assure noble Lords that the little one, to whom the noble Baroness, Lady Northover, alluded, is a true Brit in every sense, whereas the two older ones like their Australian heritage as well. But that is the beauty of the Commonwealth, which the CPA fully encapsulates.

I wish this Bill well. Both institutions are well known to everyone, and their importance is incredible on the world stage today. I look forward to seeing this Bill become statute.

4.45 pm

Baroness Chapman of Darlington (Lab): My Lords, first, I thank the noble Lord, Lord Ahmad. People said I was triggered by remembering the Northern Ireland protocol debates; they were very long and intense, they meant an awful lot to both of us at the time and we came at them from very different angles. However, the noble Lord, Lord Ahmad, dealt with them, as we would all expect, in a most respectful and considered way. I think we probably got to the right place in the end, as is often the way with these things in your Lordships' House. I look forward to him

taking a similar approach with legislation that we may bring forward in the future to that which I took to the Northern Ireland Protocol Bill. I am very grateful that has not been the experience on my first outing at this Dispatch Box. I noted with the Whip during the debate that I think this is the very first piece of legislation to receive its Second Reading in this Parliament, under a new Government. It is great to know all our legislation will be so warmly received.

I thank noble Lords for their incredibly insightful contributions, bringing a huge amount of experience to the debate. It is not the first time we have discussed this, but your Lordships' House does a very fine job on issues such as these and has made a strong case this afternoon for the importance of the Bill. As others have done, I thank again the noble Baroness, Lady D'Souza, and Maria Miller, Ian Liddell-Grainger, Lord Chidgey and Stephen Twigg. I remember being in a bar with Stephen Twigg in 1997, just after the election—I definitely bought him a pint, and he definitely has not bought me one back yet, but perhaps he will after today.

I look forward to further discussions while the Bill continues its passage as we seek to ensure, as many noble Lords have said, that the CPA and the ICRC are given the correct status in legislation.

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

Global Combat Air Programme International Government Organisation (Immunities and Privileges) Order 2024 *Motion to Approve*

4.47 pm

Moved by Baroness Chapman of Darlington

That the draft Order laid before the House on 23 May be approved.

The Parliamentary Under-Secretary of State, Foreign, Commonwealth and Development Office (Baroness Chapman of Darlington) (Lab): My Lords, in December 2022, the United Kingdom, Japan and Italy jointly launched the global combat air programme, known as GCAP, to deliver next-generation aircraft by 2035. On 5 July, the Prime Minister reaffirmed the UK's commitment to promoting co-operation and collaboration between the UK and Italy, with Italy's Prime Minister Giorgia Meloni, and on 6 July between the UK and Japan, with Japan's Prime Minister Kishida. It was agreed that the security of the Euro-Atlantic and Indo-Pacific are indivisible. His Majesty's Government are committed to ensuring the security of the Indo-Pacific, working closely with our allies.

For the UK, this aircraft will sit at the heart of a wider system, networked and collaborating with a range of aircraft, including the F35, and broader military capabilities. It will use information systems, weapons and uncrewed collaborative combat air platforms to complete the capability. Replacing the capability provided by Typhoon, this system will sustain the UK's operational advantage. In addition, GCAP will attract investment into research and development in

[BARONESS CHAPMAN OF DARLINGTON]

digital design and advanced manufacture processes, providing opportunities for our next generation of highly skilled engineers and technicians.

The signing of the convention on the establishment of the GCAP International Government Organisation, known commonly as GIGO, by the parties of the United Kingdom, Japan and Italy took place in December 2023 and was conducted by the respective defence secretaries of the three nations. The GIGO will function as the executive body, with the legal capacity to place contracts with industrial partners engaged in the GCAP. Through the GIGO, the UK will lead on the development of an innovative stealth fighter jet with supersonic capability and equipped with cutting-edge technology, to facilitate collaboration with key international partners that will raise the profile of the UK's combat air industrial capacity.

The GIGO headquarters will be based in the UK, employing personnel from the UK, Italy and Japan. The chief executive and director posts shall be filled by nationals of different parties, according to a mechanism that shall preserve a balance between the parties. Given the nature of the GIGO as an international defence organisation, the Ministry of Defence, with support from the FCDO, has been leading on trilateral engagement and negotiations on its establishment.

The convention, once in effect, will enable closer collaboration between the parties—being the Governments of Japan, Italy and the UK—and support the development of His Majesty's Government's defence capabilities, stimulated by development of the UK-based headquarters. It will enable further collaboration with key industry partners, with the headquarters supporting hundreds of jobs, working in close partnership with Rolls-Royce, Leonardo UK and MBDA UK, and with hundreds of other companies from across the UK in the supply chain to deliver the GCAP.

This Order in Council is a statutory instrument and forms part of the secondary legislation needed to confer legal capacity and privileges and immunities on the GCAP International Government Organisation. It accords certain privileges and immunities to the organisation's personnel and the representatives of the parties to the convention. This order was laid in draft before Parliament on 23 May 2024, is subject to the affirmative procedure and will be made by the Privy Council once it is approved by both Houses. Subject to the approval and ratification, the treaty would enter into force on the deposit of the last instrument of ratification, or acceptance of the parties. This is anticipated to be autumn 2024, to meet the 2035 in-service date.

This order confers a bespoke set of privileges and immunities, to enable the GIGO to operate effectively in the UK. The Government consider these privileges and immunities both necessary and appropriate to deliver on the interests and commitments that the UK has towards the organisation. They are within the scope of the International Organisations Act and in line with UK precedents. The privileges and immunities conferred on agency personnel and representatives are not for their personal advantage but are in order to ensure complete independence in the exercise of their functions in connection with the GCAP. To be clear,

agency personnel have no personal immunity if they commit a crime, and there is a clear carve-out ensuring that they have no immunity in any vehicle incident. These immunities in respect of the GIGO cover immunity from suit and legal process, inviolability of premises and archives, and appropriate tax exemptions and reliefs in relation to its official activities.

In respect of representatives of the parties and staff, the provisions cover functional immunity and an immunity waiver. Additionally, the order includes an exemption from the legal suit and process immunity in the case of a motor traffic offence or damage caused by a motor vehicle. This is a standard clause included in statutory instruments and treaties, providing for privileges and immunities.

To conclude, the support for the GIGO's establishment ensured through this order is a unique opportunity to showcase UK leadership and innovation in the combat air industry on a global stage. Through the GIGO, the UK will collaborate with its international partners on the development of an innovative stealth fighter jet and facilitate collaboration with key international partners that will raise the profile of the UK's combat air industry. The security of the United Kingdom will always be of paramount importance to this Government. Defence is central to both UK security and our economic prosperity and growth, including by harnessing the strength of our well-established defence industries. This GIGO is key to GCAP, and the UK continues to make positive progress with our partners Japan and Italy. I beg to move.

Lord Howell of Guildford (Con): My Lords, I declare an interest as in the register. Behind this necessary and detailed order lies an enormous project, one of the biggest ever, which we are to undertake with Japan and Italy. We are talking about billions of pounds involved. This is only a small part of it but the importance of the bigger picture is colossal. Behind that lies a weaving together of the most advanced parts of Japanese and British industry in a way that I find immensely encouraging and that we have been working towards for years. We reached a peak of co-operation at the end of the last century, but it rather fell away in the first 10 or 15 years of this one. Now, the scene is much revived, and there are enormous gains for Japan and ourselves. Japan is our best friend in Asia, as they used to say; and I do think Japan still sees us as its best friend in Europe. There are enormous opportunities for prosperity in this country.

All I am asking of the Minister, who introduced this very clearly indeed, is that if there are any bumps along the road, any postponements or any difficulties arising out of interpretation of this order, please could they be handled with the utmost consideration of that wider picture, the sensitivities on both sides and the fact that an enormous amount is at stake? No aircraft will fly for 11 years. It is a long way ahead, and we have many challenges to pass through, and world conditions will probably change enormously by the time we get there. I am sure what I am saying is obvious to the Minister and her government colleagues and I ask to be forgiven for reiterating it. There is a great deal at stake.

Lord Craig of Radley (CB): My Lords, I very much welcome this new arrangement. It is very encouraging that this was started under one Government and is being continued by another. I hope that will be a good example of further co-operation between the Government and His Majesty's Loyal Opposition. The doubts that were expressed about this programme at one stage appear to have been pushed aside. Certainly, it is important, in an international agreement such as this, that we do not renege. I hope that when the noble Lord, Lord Robertson, comes to make his report, he will bear in mind the overriding importance of this, not only internationally but militarily.

Lord Lansley (Con): My Lords, I shall speak relatively briefly—I hope—to this order. I declare an interest as chair of the UK-Japan 21st Century Group. My noble friend who spoke a moment ago was chair of that group previously. It gives us, I believe, an important perspective on the remarkable strengthening of the UK-Japan relationship over this last decade, which we should certainly treasure. As I have this opportunity, I join in welcoming the noble Baroness to the Government Front Bench and wishing her very well.

5 pm

I do not want to talk about the capability of the GCAP or Tempest—not least coming after the noble and gallant Lord—as I think we are all agreed about its vital importance as a bridge to the kind of defence and security challenges we may face in the middle of this century, or from 2035 if the in-service date is 2035. However, we can already see, not least in the context of the Russia-Ukraine conflict, just how important it is to have air superiority and to be able to control, as Tempest will, the many unmanned aerial vehicles and the scope and range of the responsibilities that pilots of Tempest will have in the future, and how impossible it would be to engage in any conflict successfully without that kind of air superiority which Tempest can provide.

In relation to this order, as the noble Baroness quite rightly said in her introduction, it is clearly necessary for the implementation of the convention, and I think we are very much looking forward to having GIGO in the UK as the headquarters and to supporting from that headquarters the industrial partnership that is already demonstrating its economic importance in this country. I just want to focus on the relationship of this order to the convention. The order is necessary for its implementation. We are, as I understand it, the first of the three partners to undertake an order of this kind, and we are looking forward to ratification in the autumn.

I remind the House that, on 9 April, the International Agreements Committee published its eighth report, which was on the GIGO convention. Without quoting it at length, paragraph 50 in particular made a recommendation relating to the extent of the privileges and immunities and its interaction with the headquarters of GIGO in this country. My point is not really to discuss that but to say, as a former member of the International Agreements Committee, that we secured the “Grimstone rule”, which says that if a committee of this House—in this case, appropriately, the International Agreements Committee—makes a report drawing an

international agreement, such as this convention, to the special attention of the House, the agreement should be given time for a debate in this House prior to ratification. The FCDO is clearly the responsible department in relation to international agreements, so I simply ask the noble Baroness whether she will restate the Government's commitment to respond to that report and to arrange time for a debate in this House on the convention prior to ratification.

Finally, there was a good, useful and interesting debate in the other place on 24 July. I share with my good and honourable friend Dr Andrew Murrison, who was a former Defence Minister, the statement he made at col. 694:

“No Government in their right mind would cancel this project”.—*[Official Report, Commons, 29/7/24; col. 694.]*

I do not think that is really the issue. The issue is that our Japanese colleagues would very reasonably understand that a new Government must assess the strategic defence environment with which they are faced and the priorities that they must attach in their strategic defence review. I think they would wish, where there are clearly leading defence priorities, of which I think it is widely held this is one, that that is made clear by the Government at the earliest possible stage, and in particular that nothing is done as a consequence of the SDR that would imperil the timetable—clearly, the Government are getting on with this order—of the implementation of the convention and its ratification and, of course, most importantly, the development of the programme and the in-service date of 2035. If they can see that the British Government are not prejudicing any of the operational and implementation aspects of the convention or the GCAP project, I think they will completely understand the importance of this Government having a modicum of time in which to assess their own defence priorities.

However, subject to that, I hope that the House will approve the order and we can see the GIGO established in this country as soon as possible.

Viscount Trenchard (Con): My Lords, I too congratulate the noble Baroness, Lady Chapman of Darlington, on her appointment, and I thank her for introducing this statutory instrument. I must declare my interest as a consultant to Japan Bank for International Cooperation and as an adviser to Mitsubishi Heavy Industries Ltd.

The noble Baroness the Leader of the House was right to ask your Lordships to dispense with Standing Order 73 to allow the statutory instrument to be approved, notwithstanding that the Joint Committee has not been able to consider it and has not laid a report before your Lordships, as it is normally obliged to do.

As the Minister explained, the SI before us supports the implementation of an international treaty, namely the convention between the Governments of Italy, Japan and the UK, signed in December 2023, establishing the GIGO—I think our Italian friends pronounce it “JIGO”, but I will follow the example of the noble Baroness. She said that the treaty had been signed before the election but could not be implemented because of the Dissolution. I am not quite clear why this was not done before the Dissolution, but I am

[VISCOUNT TRENCHARD]

happy that the Government recognise the importance of taking action to avoid delays to the timelines that we have agreed with our Japanese and Italian partners.

Most of our Japanese friends who are involved with the project had wanted it to be a bilateral project between Japan and the United Kingdom and initially resisted our proposal that it should be a trilateral project including Italy. They thought that a bilateral project with only two partners would be less at risk of delays than a trilateral or multilateral project, whoever the partners are. The need of the Japan Air Self-Defense Force for the GCAP to be delivered on time is even more pressing than our own, because its F2 aircraft must be replaced by 2035, whereas the RAF Typhoons may be capable of extending their working lives to some extent. I welcome the fact that the Government have taken account of the need to provide assurance to the Government of Japan that they are determined to avoid a delay such as is now feared. Can the Minister tell the House when the announcement on the location of the GIGO will be made? We know that it will be in the UK, but the announcement as to where it will be located has already been delayed well beyond what was expected.

Speaking at Farnborough, the Prime Minister said that GCAP was important and was making “significant progress”, but he stopped short of saying that Britain’s participation in it would continue. The Secretary of State for Business has been more explicit in his support and has been quoted as saying that the Government were “very strongly committed” to the programme. The noble Lord, Lord Coaker, has also tried to be as reassuring as possible without saying that the noble Lord, Lord Robertson, would have his hands tied on this point. I do not expect the Minister to be able to give any stronger reassurance today, but I welcome the Government’s decision to bring forward this statutory instrument for approval.

As the Minister explained, the statutory instrument gives effect to the treaty and confers legal capacity on the GIGO. It also grants the normal diplomatic privileges and immunities which are extended to diplomats. I am sure that Japan and Italy will provide similar immunities and privileges to British employees dispatched to work for the GIGO in those countries. Can the Minister tell the House when she expects the GIGO to appoint the chairman and members of the steering committee? What process will be used to select directors of the GCAP agency and by when does she expect they will be appointed?

I was happy to hear the Minister use the term Indo-Pacific in her introduction, because I have not heard that term used often by noble Lords on her Benches until now. Can she confirm that I would be wrong to suggest that the Government are just a little sceptical about the tilt to the Indo-Pacific? I hope she will say that I am wrong. I welcome the Government’s proposal to give this instrument a fair wind and support the Motion to approve it.

Lord Liddle (Lab): I had not intended to intervene, but I have been very interested to listen to other noble Lords talk about this issue. It is a pity, on something of such profound importance, on which, as many

Members have said, billions of pounds are at stake, that we have not had any opportunity for our committees to come forward to this House and tell us the level of commitment that is being made. Is it a commitment that we are bound by until the completion of the project, or are there ways in which the concept can be changed?

I agree with the noble Lord, Lord Howell, that this is an immensely important step forward in industrial partnership between Japan and the United Kingdom. That is very important. We all know what huge benefit we gained from the revival of our car industry from the 1980s onwards as a result of Japanese commitment to the UK. This is an opportunity for another wave of that partnership.

However, I was on the European Affairs Committee of this House for a long time, and I am conscious that our chairman, the noble Lord, Lord Ricketts, was always warning us about the dangers of British overcommitment on defence questions—an overcommitment that we would be unable to fulfil. My noble friend Lord Donoughue will remember this: one of the key things that the Wilson Governments got right in the 1960s was the decision, in 1968, to withdraw east of Suez, because it put our defence policy on an affordable and deliverable basis when Britain was no longer in a position to do that.

There are issues here. The most important defence priority of the moment is not an aircraft in 15 years’ time, it is getting troops, which we do not have, on the ground in the Baltic states on the borders with Russia to deter any potential Russian aggression as a result of the Ukraine war. That is the biggest priority and the biggest need in the defence budget. We have to be wary about these very long-term, hugely expensive commitments.

Is it possible for other nations to join this partnership? That might help reduce some of the enormous costs of this programme. I know that the French and Germans have their own ideas about having a programme, but a lot of people think that it is ludicrous for Europe to try to develop two of these advanced aeroplanes on the Tempest model, and that Europe might decide that it wants to come in. There has been speculation in the press that Germany, as a result of budgetary pressures, is worried about its commitment to this future fighter with France. Would it be possible for the Germans to come in? There has been talk about Saudi Arabia joining. How would this work? Is the legal framework flexible enough to allow these welcome developments?

I emphasise that I am not against this order, but there are big long-term questions. I am slightly surprised that we are doing it—perhaps for good reasons, for all I know—before we have the results of the review of Britain’s defence commitments from the noble Lord, Lord Robertson. I look forward to that because I cannot think of anyone better to lead it.

5.15 pm

Lord Naseby (Con): My Lords, as the House knows, I had the privilege of being an RAF jet pilot. This programme is absolutely fundamental to air power, which, ultimately, in the modern world, is almost more important—some would say more important—than feet on the ground.

I will not repeat what my colleagues have said but will just say, “Well done”. It has been only two sitting days since we discussed defence issues. I took part in that really good debate, when it was made clear across the House that this particular project is fundamental to the future defence of our nation. I thank the noble Baroness on the Front Bench—and welcome her to that role—for moving with speed. I had the privilege of being a Deputy Speaker down the other end, so am willing to help with the proceedings on this important project.

I have worked with the Japanese in the past and believe that they are very efficient. That is a blessing in itself and I would not extend this programme beyond the three parties involved. I wish the Government all possible speed. We know that our friend, the noble Lord, Lord Robertson, is very much behind this as well.

Baroness Smith of Newnham (LD): My Lords, I have an advantage—or disadvantage—on these Benches because, as often with debates on defence, there is nobody behind me on the Back Benches to say anything different from what I may be or had been planning to say.

As other noble Lords have, I welcome the noble Baroness, Lady Chapman, to her place. I am speaking as the defence spokesperson for the Liberal Democrats, even though this SI is being brought forward via the FCDO, precisely because we felt that this is a critical defence issue. Obviously, the interplay of defence and foreign policy is vital.

I listened to much of the debate in the other place about the GCAP arrangements. I think that GCAP has the huge advantage that we can probably all pronounce it, as opposed to GIGO and its alternative pronunciations. I will focus on GCAP.

I had the huge benefit of listening to the passion right across the other place for this commitment to the trilateral relationship with Japan and Italy. Much of the discussion here has been about the relationship with Japan, which is clearly very important to the Japanese. Over the last couple of years, the Japanese embassy has been regularly coming to Liberal Democrat conferences. Before other embassies remembered that we existed, the Japanese ambassador and his colleagues were coming to talk to us. The bilateral relationship with Japan and the relationship on this specifically are hugely important. Last week, the noble Lord, Lord Coaker, was keen to reiterate the commitment of His Majesty’s Government to GCAP, which was very reassuring to your Lordships’ House.

Today, we are obviously supposed to be focusing on the statutory instrument. I have a couple of very specific questions I want to raise. I note that there is no impact assessment, and the reason given for that is that no impact, or no significant impact, is foreseen on the private, voluntary or public sectors in the UK. I wonder why not. What would count as significant? Surely one of the benefits of the Tempest programme is precisely that it is intended to have a significant impact on our defence capability. Presumably, this is simply the language of a statutory instrument.

In particular, it was noted that there would not be a significant impact on small businesses or micro-businesses. I raised this in the humble Address debate last week, with the noble Lord, Lord Coaker. The question was

about the role of small and medium-sized enterprises. Clearly, if this is about defence investment and defence research and development, there is a potentially significant role for small, medium and even micro-businesses in the United Kingdom. What do His Majesty’s Government think are the possibilities for those small businesses and micro-businesses?

I declare an interest—not, unlike other noble Lords, an Anglo-Japanese interest—as I am a trustee of the Armed Forces Parliamentary Trust, which organises the Armed Forces Parliamentary Scheme. It is essentially funded by the defence industries and, given that some of the primes were mentioned by the Minister, I thought I should reflect that as a declaration of interest, although I do not benefit personally.

In addition to wanting a better understanding of the impact on our defence industrial base, I also want to ask a few questions related to those from the noble Lord, Lord Liddle, on the Labour Back Benches. This is not because I disagree in any way with the proposals here, but in order to get a little more information. Whether somebody was trying to tease the United Kingdom Government in drafting this convention, I am not sure. If we ever wanted to rejoin the European Union, we would be doing so under Article 49. It would appear that, if any country is looking to sign up to this convention, it is under Article 49. There are some provisions under Article 48 and 49 looking at the possibility of expansion. What is His Majesty’s Government’s thinking about the possibility of expansion? The wording seems to be slightly vague at the moment. It is down to the steering committee of the GIGO to decide whether other countries can discuss possible membership. If a third-party country decided it wished to join, would that have to come to the United Kingdom Parliament to be ratified, or is it down to the steering committee, which would not appear to be right? A greater understanding about that would be welcome.

Similarly, under Article 50, about defence exports, what are the mechanisms likely to be if one of the current parties has an arms export ban to a certain country? How is that going to work in terms of dealing with the GCAP?

Finally, there does not appear to be any provision for regular reporting, other than back to the MoD and the FCDO. Will there be a way for Parliament to be updated on these arrangements? These are very much by way of probing questions and not in any way speaking against the statutory instrument and the convention, which are most welcome.

Lord Ahmad of Wimbledon (Con): My Lords, I begin by saying that we fully support the measures before us. As the Minister said in her introductory remarks, it is necessary to deliver the appropriate instrument into law, but it is also about ensuring that UK military capability in the crucial area of air combat is ready. We do so with two great partners, Italy and Japan. Of course, we should not forget that Japan has challenges in its part of the world that many other countries do not face, not least the challenge posed by Russia.

Since the trilateral in September 2023, this project has already achieved significant goals, not least the signing of the international treaty last December that we are legislating for today. This is welcome.

[LORD AHMAD OF WIMBLEDON]

The treaty establishes the legal basis for GIGO—and we need that abbreviation, otherwise we would be repeating “GCAP International Government Organisation” several times, which would extend any debate. The fact that the international headquarters of GIGO will be in the UK is in keeping with the spirit of equal partnership and underpins the importance of GCAP. The first chief executives of the GCAP agency and joint venture are from Italy and Japan—again, that underlines the important collaboration.

As such, the SI before us enables this international treaty to enter into effect, with important measures, as was said in the introduction, on immunity and privileges that are necessary for the effective operation of the GIGO. This SI is necessary to deliver GCAP’s governance arrangements, but in itself will not deliver a single aircraft. Therefore, it is important that we back GCAP to the hilt; the GCAP programme needs to be wholeheartedly supported, with the appropriate funding necessary to deliver our sixth-generation fighter capability.

As Parliament approves this SI, we welcome the remarks of the Minister, and those of the noble Lord, Lord Coaker, recently as well, about the Government’s support for GCAP. There has been a lot of speculation and it is important that that speculation is put to rest with wholehearted backing for GCAP. That was consistent across both the new Government and the previous Government during the election. I am sure the Minister will agree that clarity from government is important for Parliament, industry and our international partners. As we approach this SI, it is important that our commitment to GCAP is clear.

I assure the Minister that from these Benches His Majesty’s Official Opposition are clear that we support the SI on the basis that we are supporting GCAP as a whole, including by putting in place the funding necessary to deliver its requirements over the urgent timescale that all three member nations require. That is the key point for all three nations; GCAP is all about pace and timetable. For the United Kingdom and Italy, that means replacing the Typhoon before it is withdrawn from service towards 2040. For Japan, with equal urgency, it means replacing the Mitsubishi F2. That is why any delay or deferment, whether caused by the lack of a clear timetable or otherwise, is so critical.

Reflecting on the points made by my noble friends Lord Howell, Lord Lansley and Lord Trenchard, in 2020 PricewaterhouseCoopers estimated that the Tempest programme alone would support an average of 20,000 jobs every year from 2026 until 2050. The noble Baroness, Lady Smith, also raised an important point about small businesses within the issue of jobs and the economic growth of the United Kingdom. These are well-paid jobs in every constituency up and down the country. Therefore, any notion of holding back on GCAP expenditure would hit our economy hard. Any sense of delaying or deferring GCAP expenditure would undermine our brilliant aerospace industry, and indeed cast doubt over the vast sums of private investment that are already waiting in the wings, from which hundreds of UK SMEs stand to benefit.

We all recognise that GCAP is important to our economy, our future war-fighting capability and our relations with our closest international partners; the

Minister recognised that in her introduction. Therefore, we need to ensure that the Government embrace GCAP wholeheartedly and confirm, as I have before, their strong and steadfast support. That includes a clear timetable on 2.5%, so that we can ensure that this programme can be accelerated by investing not only in the core platform but in the associated technology of autonomous collaboration and a digital-system approach, enabling the mass and rapid absorption of battle space data.

As my noble friend Lord Naseby alluded to, it is important that we invest. People often talk of the next war, and I am sure the Minister agrees with me that the best way to win a war is to avoid it in the first place. That requires investment, and that is what GCAP is all about. Part of our overall deterrence posture is to signal to our adversaries that we stand with our allies and friends, and our preparedness to always be ready to out-compete their technology.

I conclude by saying that His Majesty’s Official Opposition fully support this statutory instrument and GCAP, and the powerful gains that it will give to the United Kingdom’s economic and military strength, along with our key partners, Italy and Japan.

5.30 pm

Baroness Chapman of Darlington (Lab): My Lords, I am grateful to noble Lords who have contributed to this afternoon’s discussion, and will address some of the important questions raised. I am grateful to have the support of the noble Lord, Lord Ahmad, and to hear his trenchant support for GCAP. That is noted, and I am sure it will also be noted by my noble friend Lord Robertson as he conducts his strategic defence review.

I know that the House has a keen interest in the UK’s work as part of GCAP. Together with our partners Japan and Italy we are working to deliver a next-generation combat aircraft with advanced survivability, sensors, weapons and data systems. As well as cutting-edge military technology, the programme is delivering significant economic benefits, with more than 3,500 people already working on GCAP across the UK.

The point made by the noble Baroness, Lady Smith, about investment and opportunities for jobs, and in particular small businesses, was important and well made. I reassure her that there currently are over 600 organisations and academic institutions involved, including small businesses. I thank her for making that point.

I am not an MoD Minister, and my noble friend Lord Coaker would be unhappy with me if I started to give too many of my own opinions on defence issues. We are looking today at the privileges and immunities that will enable us to continue with the GIGO establishment. In doing so we will be able to better support GCAP’s programme aims and fulfilment of the Government’s objectives. We will also be better placed to work with international partners and influence the combat air industry as a result.

The noble Lord, Lord Howell, urged us to handle this programme with sensitivity. He gave wise counsel and his speech was well received. I will keep his wise words in mind.

Just as my noble friend Lord Robertson will hear the support given to GCAP by the noble Lord, Lord Ahmad, I am equally sure that he will hear the argument made by the noble and gallant Lord, Lord Craig of Radley, and the words of support he shared with us.

I am aware of the point made by the noble Lord, Lord Lansley, about the International Agreements Committee. I will discuss this with our business managers. Obviously, there will be no desire to delay anything any further than necessary. He makes the exact point that I would have made, sitting where he is, but we want to make sure that we can proceed in a timely manner. There will be opportunities to scrutinise this, as noble Lords would expect. I also take the noble Lord's point about the strategic defence review, and ask him to note that we have brought this here today in a timely way.

The noble Viscount, Lord Trenchard, asked an important question about where the location will be and when that announcement will be made—the answer is in due course. I am told that there are commercial sensitivities around this, which I am sure he will appreciate, but I am heartened to know that there would be considerable pride taken in hosting this organisation, wherever it ends up being established.

As a Government, we of course welcome the opportunity to work with the Indo-Pacific region. No reluctance should be interpreted in any way about the Government's enthusiasm for working with Indo-Pacific nations. I speak as the new Minister for Latin America, so I am very keen that we take this approach.

My heart always sinks a little when I am challenged by my noble friend Lord Liddle. We do not enter these arrangements lightly. There are clear benefits for both defence capability and jobs and skills. My noble friend made a strong case for this strategic defence review. He is very well placed to make sure that his view is known to his noble friend Lord Robertson.

I am also grateful to the noble Lord, Lord Naseby, for his offer of support and assistance. His experience in this and in the other place will be invaluable.

The issue of further partners was raised by my noble friend Lord Liddle and the noble Baroness, Lady Smith. All three GCAP partners have highlighted our openness to working with other nations through this programme while supporting the objective of the core partners, delivering a successful programme and keeping us on course for a 2035 in-service date. Any decisions on wider partnering will be made together by the core partners.

The noble Baroness, Lady Smith, introduced her question by talking about membership of the EU and whether we might wish to rejoin. I am not sure if that is her party's position currently—I may have missed it—but it is not currently the Government's position.

Baroness Smith of Newnham (LD): To clarify, I was merely speculating about where a country might wish to join—or rejoin under Article 49. I was not suggesting that noble Lords on any Benches are necessarily pushing for it at this stage.

Baroness Chapman of Darlington (Lab): I am sure that the whole House is grateful to the noble Baroness for that clarification.

Motion agreed.

Criminal Justice Act 2003 (Requisite and Minimum Custodial Periods) Order 2024

Motion to Approve

5.38 pm

Moved by Lord Timpson

That the draft Order laid before the House on 17 July be approved.

The Minister of State, Ministry of Justice (Lord Timpson) (Lab): My Lords, following the Oral Statement which I repeated in this House on Wednesday 24 July, your Lordships will know that our prisons are in crisis. The male prison estate has been running at around 99% capacity for 18 months, undermining safety for staff and offenders and making the justice system vulnerable to unforeseen events. If we do not act urgently, our prisons will reach full capacity, and the justice system may grind to a halt. The courts would have to stop holding trials, the police would be unable to make arrests, and criminals would be free to act without consequence. If we do not act now, this will become reality by September. Taking immediate action is the only way to protect the public from a breakdown in law and order.

I want to assure your Lordships that we have explored all options. In the little time we have, we cannot build more prisons nor add more prison blocks. While we are deporting foreign national offenders as fast as is legally possible, this will not save enough places to address this crisis. Much of the pressure comes from the straightforward growth in the remand population—those who are in prison awaiting trial. While we are committed to making progress on remand, it would take time that we do not have. This has left us with only one option.

Before I set out the details, let me say that I am grateful to your Lordships for agreeing to bring this SI forward before the Joint Committee on Statutory Instruments has been re-formed and therefore able to consider it. As I have already set out, this change may be implemented with urgency. It has therefore been necessary to ensure that we have a full debate on the substance of the issues as soon as possible. I look forward to reading the committee's report and that of the Secondary Legislation Scrutiny Committee.

Returning to the SI that we are considering today, it will change the law so that prisoners serving eligible standard determinate sentences will have their automatic release point for those sentences adjusted to 40% rather than 50%. This will mean that around 5,500 offenders will be released in two tranches in September and October. They will leave prison early to serve the rest of their sentence under strict licence conditions in the community. Thereafter, all qualifying sentences will continue to be subject to the new 40% release point. This change applies to both male and female offenders. It also applies to some youth offences, specifically youth sentences under Section 250 of the Sentencing Act 2020, which are imposed on under-18s for more

[LORD TIMPSON]

serious offences. They are included, because such offences are likely to end their term in the adult estate. However, as these sentences are for serious crimes, many are likely to be excluded from this measure, as I will go on to explain.

While this measure must address the crisis in our prisons, this must be balanced with public protection. Therefore, certain sentences will be excluded. The worst violent and sexual crimes, which are subject to a 67% release point, will not be eligible. Neither will serious violent offences subject to a sentence of four years or more under Part 1 of Schedule 15 to the Criminal Justice Act 2003. Sexual offences will be excluded, including offences related to child sexual abuse, and we will exclude a series of offences linked to domestic abuse, including stalking, controlling or coercive behaviour and non-fatal strangulation. National security and terrorism offences under the Official Secrets Act and the National Security Act 2023, and offences determined to have been carried out for a foreign power, will also be excluded, as will serious terrorism offences and terrorism-connected offences, which remain subject to a 67% release at the Parole Board's discretion. No sentence subject to Parole Board release will be included. In each case, we have excluded specific offences rather than cohorts of offenders. That is a legal necessity. The power to make the SI applies to the release point of qualifying individual sentences, rather than to types of offender. In addition to these exclusions, there will be stringent protections in place around an early release.

This change to the law will not take effect until September. This has given our hard-working Prison and Probation Service a crucial eight-week implementation period to recalculate sentences and plan for the releases. Probation officers will have the time they need to assess the risk of each offender and prepare a plan to manage them safely in the community. Every offender released will be subject to the same stringent licence conditions they would have been if released at 50%. Where necessary, multi-agency public protection arrangements will be put in place to protect the public, as will multi-agency risk assessment conferences that consider how best to protect victims. Victims eligible for the victim contact scheme or the victim notification scheme will be notified about releases and developments in their cases, and, as now, they will be able to request licence conditions, such as non-contact requirements or exclusion zones to protect them from unwanted contact. Offenders will be ordered to wear electronic tags where required. Exclusion zones and curfews will be imposed where appropriate. If an offender breaks any of these conditions, they can be returned to prison.

The Government are clear that this change is not permanent. We will review it within 18 months of implementation, at the very latest in March 2026 when we believe that the situation in our prisons will have stabilised and we will be able to return the automatic point of release to 50% of a sentence.

I want to address directly the question of a sunset clause, which we have not included in this legislation, to end it automatically. We have pledged to be honest about the challenges in our prisons and the changes that we put in place to rise to them. Given the scale of the crisis, placing an artificial time limit on this measure

would be irresponsible. We have taken the very deliberate decision not to reverse this measure until we are certain that prison capacity has stabilised.

We will introduce a new, higher standard of transparency. Every quarter we will publish data on the number of offenders released, and we will make it a statutory requirement for a prison capacity statement to be published annually, introducing this legislation as soon as parliamentary time allows. This is a departure from the approach of the previous Government, who introduced the end of custody supervised licence scheme, the ECSL scheme. They did not disclose the data, but now we know that more than 10,000 offenders have been released under ECSL.

When this new legislation takes effect we can end ECSL, which gave the Probation Service sometimes mere days to prepare for releases. That meant little time to assess the risk of offenders and plan how they would be managed safely in the community.

5.45 pm

This new legislation's six-week programme release planning period will give the Probation Service the time it needs to prepare. It will deliver more predictable and stable release dates, meaning that the Probation Service will have sufficient time to work with all offenders to prepare them for release and to consider and arrange accommodation for them. That is particularly important for offenders who are at risk of being homeless, and who can access transitional accommodation for up to 84 nights. Probation services will also have more time to ensure that offenders leaving custody have continuity of healthcare, including mental health support.

ECSL did not have the same exclusions that this new legislation has. It provided no exclusions for offences linked to domestic abuse, stalking, non-fatal strangulation, controlling or coercive behaviour, or for order breaches, for example of non-molestation orders or domestic abuse protection orders, which are excluded in this SI.

ECSL was one of a series of decisions that must be examined more fully. That is why the Lord Chancellor announced a review into how this capacity crisis was allowed to happen. The review will look at why the necessary decisions were not taken at critical moments and will conclude by the end of the year; we will shortly be appointing an independent chair for it.

However, the measure that I have set out today does not end the prison crisis or provide a long-term solution. It buys us time to take further measures to address prison capacity, not just now but in the future. Later this year we will publish a 10-year capacity strategy outlining the steps the Government will take to acquire land for new prison sites. It will ensure that building prisons deemed to be of national importance is a decision that is placed in the Minister's hands. We must also drive down reoffending, which I am personally committed to achieving. A stronger Probation Service will be crucial to that, and we will start by recruiting at least 1,000 new trainee probation officers by the end of March 2025, bringing forward an existing commitment to address the challenges more quickly. We will also work with prisons to ensure that offenders can get the skills they need to contribute to society on their release, as well as bringing together prison governors, local

employers and the voluntary sector to help them into work, because we know—and I have seen first-hand—that having a job makes offenders less likely to reoffend.

The prison population remains within a few hundred places of criminal justice collapse. I learned recently just how challenging the situation is when we had to temporarily close HMP Dartmoor last week, taking around 200 places out of the prison estate. Although we are able to withstand that loss of capacity, any further challenges, be that a further loss of supply or an unexpected increase in demand, could tip us into crisis. Until this measure takes effect, we will continue to monitor the prison population closely and be ready to introduce further emergency measures if required. We are not out of the woods yet, but I am proud to be part of a Government who will take the necessary action and brave decisions necessary to protect the public. The change that we are debating today is the only safe way forward in the time we have available to act. I beg to move.

Earl Attlee (Con): My Lords, I welcome the Minister to his position; this is the first time I have been able to debate with him. I hope he has plenty of time to sort out the mess of the prison system. I support the order; there is obviously no alternative to passing it.

The Minister touched on the reasons why that has occurred. My understanding is that the offender management unit in the Ministry of Justice calculates what the demand will be for prison places, taking into consideration all the changes in legislation. Anything that we do in legislation makes it change its calculation, and I am pretty confident that the unit told Ministers a long time ago that we had problems. One reason why I got involved in looking at the penal system was a debate initiated by Lord Brown of Eaton-under-Heywood in 2017 on overcrowding in the prison system. We just let it go on and on until eventually we had to do something, which is exactly what the Minister is doing.

My only question is: is there any scope to do something about unnecessary recalls? Released prisoners can be recalled for fairly trifling bureaucratic reasons, which causes a lot of disruption and an increase in the prison population. Also, is there any scope to reduce the remand population, which the Minister mentioned? I look forward to supporting the Minister in his work.

Baroness Jones of Moulsecoomb (GP): My Lords, it was a pleasure to hear the categories that will not be up for release, because nobody wants sexual predators and misogynists out on the streets—so I am delighted to hear that. But when the issue of prisons comes up, we always have to ask ourselves: what are they for? They ought to be for keeping dangerous people off the streets, but that is not what we do at the moment; we throw into prison an awful lot of people who should not be there. Through the Minister, this Government could think about changing who we put in prison because, quite honestly, the number of people going to prison is ludicrous when you think about some of the crimes they have committed.

Drug law reform is an obvious area. It seems absolutely ridiculous to put people in prison because of drugs offences when they have access to even more drugs there than they do out on the streets. Prisons are

failing in that way, and I would be interested to hear what the Minister had to say about drug use in prison. Unfortunately, our new Prime Minister has indicated that he wants to continue the ideological war on drugs. Can the Minister at least review the evidence from the Advisory Council on the Misuse of Drugs and publish its advice? The Conservative Government kept it secret because it called for the decriminalisation of personal possession of drugs.

It is good to hear about restorative justice, which is something further that that this Government could talk about. It is a voluntary process whereby people who have been harmed can work with the people who have caused the harm and perhaps identify how both parties can resolve or move on from it. We had amendments on this to the Victims and Prisoners Bill, so it would be good to hear the Government's thoughts on this area.

Of course, if we are going to let people out of prison, we have to remember the scandal of the IPP prisoners. I was sad that the Minister did not mention them today because that category has clearly suffered the most incredible injustice. The legislation was designed to keep serious offenders in prison, but instead we ended up with nearly 3,000 people, most of them non-violent, trapped in prison. IPP prisoners turn to suicide and hunger strike. This is a legacy of the last Labour Government that the new Labour Government need to fix, as I pointed out.

One report says that someone got, in effect, 16 years in prison for stealing a flowerpot at 17. A prison sentence of 18 months should not turn into 18 years, which has also happened. It is no wonder that our prisons are overcrowded if we keep throwing people in there to rot for minor crimes. So do the new Government have a plan to work at pace to safely release IPP prisoners where possible? Is there a proposal for new legislation on this? We need the new Minister to sort out a plan on this. We need a resentencing programme to get the majority of IPP prisoners out of prison. Apart from that, I can say only, "Good luck".

Lord Deben (Con): I wonder whether I may ask a very simple question. I very much support what is being put forward, but in my history no Government have ever answered the simple question: how come Britain locks up so many more people than comparable countries in the rest of Europe? It seems pretty barmy. I do not feel any less safe in Paris or Berlin than I do in London, and yet both those countries do not lock people up in the way we do. It is a fundamental and simple question. I hope very much that we will pass this, of course, but I hope it will be in the context of the Government being the first of any political party—the previous Labour Government refused to look at this as well—to look at this fundamental question and ask themselves, "Why?"

The answer must be that there are better ways of doing what we are trying to do. If it means ignoring pressure from the *Daily Mail*, then I am afraid that is what we have to do. Given the brave statement the Chancellor of the Exchequer made today about cuts, it might be a very good opportunity for this Government to take a new look at why we lock people up.

Lord Moylan (Con): My Lords, I welcome the noble Lord to the House and to his place on the Government Front Bench. He is getting an easier ride on this statutory instrument in your Lordships' House than might be the case in a more populist environment, but I have no difficulty in lending my support to it as well. Like the noble Baroness, Lady Jones of Moulsecoomb, I want to focus my few minutes on IPP prisoners.

It is clear, of course, that there are mathematical challenges involved in reducing from one percentage to another a quantum that starts out being indeterminate, and so a straightforward application of reducing from 50% to 40% the sentences imposed on IPP prisoners is not going to work. That is obvious and straightforward, but it does not mean to say that we should be passing by these prisoners when we consider this instrument, and yet that is in fact what we are doing.

The noble Baroness, Lady Jones of Moulsecoomb, gave some figures earlier. Your Lordships' House is familiar with this scandal, and she described not only the numbers but the mental health issues people are suffering. I would add only two things. She did not mention—I am sure she would have, had she gone on—the mental health problems caused to the families of IPP prisoners, which are serious and persistent and have gone on for years, in many cases. Nor did she say, as has been said by other noble Lords—not least the noble and learned Lord, Lord Thomas of Cwmgiedd, on a number of occasions—that the root cause of these mental health problems does not arise from the prisoner himself, or in a few cases herself, but from what we have done through the criminal justice system to these people. It is on us that they have these mental health problems.

I read in the press—here, I am possibly setting myself up to be slapped down by the Minister—that the Minister has said that IPP prisoners cannot be included here because they are peculiarly, particularly or distinctly dangerous, as opposed to prisoners with determinate sentences. As I am sure he would agree, on reflection, that is simply not the case. What is distinctive about IPP prisoners is not the danger they pose but the nature of the sentence they are serving. There are far more dangerous people with determinate sentences who will be released at the end of their sentence, however dangerous they are, be it after 40%, 50%, 67% or 100% of their sentence. The doors of that jail will open and they will walk free, however dangerous they are. It is not the danger they pose to society that determines whether prisoners are released; it is the character of the sentence imposed on them, and that needs to be borne firmly in mind. With that in mind, I have three questions to put to the Minister. I will fully understand, of course, if he is not able to answer them today, and if he is not, I am sure he will want to take the opportunity to write.

The first question is—and this is crucial—will the Minister confirm that the implementation of the IPP action plan remains a top government priority, and a priority in his department, and that that has been communicated to officials? That is absolutely crucial: if the IPP action plan is to be carried forward and have effect, it has to be understood that Ministers are

totally behind it—as, I think the Minister would acknowledge, the last set of Ministers were totally behind it before they left office.

Secondly, can the Minister give any indication as to when the Government will bring into effect those parts of the Victims and Prisoners Act, passed just before Dissolution, that relate to the licence conditions of IPPs and the term that they must serve on licence before the sentence is discharged, and the matter is related to executive release by the Lord Chancellor, and so forth? All those elements relating to IPP prisoners were agreed and passed in the Victims and Prisoners Act just a matter of weeks ago.

6 pm

Thirdly and finally, and slightly more vaguely, will the Minister, as he takes this statutory instrument through—and he mentioned the possibility of further legislation—consider whether there is scope for bringing IPP prisoners within this approach, and seeing that their release at greater pace, although not necessarily in every case, can contribute to the Government's objective here, which is to relieve the pressure on the prison system? They should not be ruled out as a matter of course but should be looked at on a sympathetic basis where that can be done safely.

Lord Beith (LD): We have all welcomed the Minister in three debates on three successive sitting days, so he has been thrown in at the deep end of parliamentary accountability. However, he has received some pretty sound advice from all the preceding speeches, including in the well-directed questions from the noble Lord, Lord Moylan.

Today what we are faced with from a parliamentary accountability point of view is not satisfactory. We know that the Government are caught in a difficulty whereby they have had to deploy a statutory instrument without it having gone to the Joint Committee on Statutory Instruments, on which I have served. That is a shame, because that committee and its excellent team of advisers go through statutory instruments in great detail and sometimes find mistakes. They occasionally find mistakes that throw into question the validity of the instrument and the ability to enforce it, so I hope that extreme and extra care has gone into the drafting of this instrument, which is quite complicated. For example, there are 54 excluded offences, and many other complications affecting various categories of prisoner. So we hope that it is looked at very carefully—and, in a defect is found, we hope that the Government will come back at a later stage with a revised instrument.

What we have today is not a policy but a response. The Minister gave some indications of how policy might be developed, but we are not there—we are not at that point. We are simply observing a government response to a desperate crisis, which any incoming Government would dread—well, it is happening. It is the result of underinvestment and delayed investment in prison building over a long period and the constant rise in the number and length of custodial sentences, as well as the large rise, to which the Minister referred, in the number of remand prisoners, which itself is largely the result of the huge backlog in serious cases coming to court, as part of the wider chaos that we

find in our criminal justice system. I ask the Minister: is it in fact the case, as alleged in the press, that sentencing hearings for prisoners on bail have been deliberately delayed to avoid further sentences sending people into our already overcrowded jails?

We have a prison population that is three times the level it was when I became a Member of Parliament. The noble Lord, Lord Deben, has referred to how that contrasts with other European countries, and I share his concern about the fact that it has happened and that it is so out of line with how most countries view the same problems of crime that we face. The announced prison building programme cannot solve the problem, although it is needed. We have to remember that, when the prison building programme that we have now was announced, much of it was intended to replace unsuitable and inadequate prison accommodation—not to add to the total stock but to replace accommodation that should not continue to be used.

We have a prison system that cannot house its prisoners and cannot rehabilitate them, and we have as a result a completely unacceptable level of violence against prison staff as well as prisoner-on-prisoner violence.

Nothing we are doing today will change this. We have to review the trend of the ever-increasing use of custody. For that to happen—here I repeat what I said last week—we need to strengthen community sentencing and the services necessary to make it effective. We also need to establish a measure of crime and its seriousness which does not make custody the only means by which society can assert its abhorrence of serious and persistent crime. That is fundamental to the problem we have at the moment: the only way society knows how to recognise and deal with crime, as is reflected in the media and in ordinary conversation, is to say that we are not going to put up with these dreadful crimes and so we should put people in jail for longer, even if it is not relevant to the rehabilitation of the offender when they are eventually released. We have to face up to that problem, and that is going to require real leadership, rather than party-political leadership. The Minister has a background that makes him well suited for this; I hope he is given the scope to carry out that kind of leadership.

Lord Hope of Craighead (CB): My Lords, I am intervening just to ask a question. The Minister used the word “stabilised” twice, I think, during his presentation of this instrument—he is looking forward to a stage when the Government can feel that the prison crisis has stabilised. Can the Minister explain a little more of what he means by the word “stabilised”? The point is this, as the noble Baroness, Lady Jones of Moulsecoomb, made clear: we are sending too many people to prison, and therefore one of the ways of stabilising the problem is by addressing rigorously the overuse of prison as a means of punishing crime. I am sure the Minister is well-equipped to carry out that campaign.

The other feature of our present treatment of offenders, particularly serious offenders, is the length of the prison term. I was Lord Justice General in Scotland some years ago, when I had the task of reviewing the tariffs to be imposed on discretionary life prisoners. These are people who, unlike murderers, were sentenced

to life imprisonment because of the gravity of the crime they had committed. The average tariff I was imposing in line with what was the current practice then—this was about 20 or 30 years ago—was something like 11 years; now, it is way above that, at 17 or 18 years, or more, and lengths of sentences are going up into the 30s. In my time as Lord Justice General, such lengths of sentences were quite unimaginable, and I am not sure it is doing any good except to keep people in prison longer than ever before. That is why the crisis has grown. There is a fundamental problem that has to be addressed, and I urge the Minister to explain what he means by “stabilise”. Perhaps the Minister could also address more closely—not today, and not even in writing to me, but later, in discussion with officials—how the problem can be corrected, so that we do not find ourselves in two years’ time facing the same crisis we are facing today.

Beyond that, I commend the drafting of the regulation. I think a great deal of thought has gone into the measure. It has been carefully thought through and, as a means of dealing with the crisis, it is exemplary. However, it is the underlying problem that must be addressed, not the particular crisis itself.

Lord Brooke of Alverthorpe (Lab): My Lords, I welcome the Minister to his appointment and wish him well. I assure him that many people in the House will be anxious to assist him, so that we can move away from the inevitable decade-on-decade increase in the number of people in prison. When the last Government went out, we had 87,000 people in jail, and we now have 97,000 people in jail. I do not think there is any point in pointing to any party-political basis; we should be seeking to come together to take a longer view. I share precisely the views expressed by the noble Lord, Lord Deben: when we look at what is happening in Europe, why are we so different?

If the Netherlands has got empty spaces in its jails, why are we not sending some prisoners there? If Denmark has got empty spaces in its jails, why are we not sending some prisoners there? That is not to say that I think we should be about sending prisoners elsewhere; we should be about trying to get to the fundamentals behind what happens with criminal acts, and looking then at how we deal with people. We need to try to find a more civilised way of handling many of the cases in which people need not go to jail.

In particular, I get increasingly concerned about the problems we encounter with mental health within jails. I know a number of people working in jails from different angles, and the constant complaint is that there are so many people there who should not be in jail but who should in fact be cared for on a mental health basis rather than being incarcerated.

I have a couple of questions there, including on whether we can export people temporarily. I support the statutory instrument, but I hope that the Minister might be able to say that it is high time that we did not just have a review of the reasons why we have our current problems but that we in fact have an all-party approach to try to get a longer-term analysis of our fundamental difficulties, and of what new and more civilised steps can be taken. Then at least, stability could come from not increasing from the present

[LORD BROOKE OF ALVERTHORPE]

numbers when we review this in 10 years' time, and within the Government's five-year period we might have a proper analysis of the underlying causes and a real strategy devised where we could all come together to work for a better life in the future.

The Earl of Courtown (Con): My Lords, I first thank the Minister, the noble Lord, Lord Timpson, for explaining the purpose of these regulations. As the House recalls, we had a repeat of the Statement on prison capacity that my noble and learned friend Lord Stewart of Dirleton responded to on behalf of His Majesty's Opposition. This has been a fascinating debate, with, in fact, some great and fascinating contributions from all around the House, including from the Conservative Benches.

There are a number of matters that I would like to raise with the noble Lord. In the repeat of the Statement last week, his noble friend Lord Blunkett raised a very important point relating to the pressures being put on local communities. As he said, it poses for local communities

"the very real challenge of additional large numbers being released".—[*Official Report*, 24/7/24; col. 513.]

As the Minister said himself, he had seen for himself people leaving prison with no one to meet them and nowhere to live. If this policy is to work, this will put further pressure on the system, so the funds must be made available to ensure that a decent start can be given to these individuals. Without doubt, there will be a demand for more funding through DWP and MHCLG. I wondered if the Minister has anything more to add on this subject.

Until when will the new 40% release point be applied? To say that it will apply until it is no longer needed, or until it is reversed, says nothing. The Ministry of Justice has projections of how many prisoners would be released earlier under this measure; we are told about 5,000 in September and October, and also an estimate of the incoming flow of prisoners. The department must have a working assumption of how long the measure will be needed. It would be good if the Minister could tell me what that estimate is.

We were told last week that there will be a review at the 18-month point. Will the Minister confirm that the current plan is for the release point to go back to 50% at that time? Will he confirm that he will be able to report to Parliament immediately if that plan changes? Notwithstanding what the Minister said on the criteria to be set for ending the policy, would it not be better that a sunset clause to the regulation was used, such that the Government would have to come back to report to Parliament to explain why a further period of release at the 40% mark is required?

As the Minister said, offenders will be subject to strict licensing conditions. Will these be more onerous than the licence conditions to which they would have been subject if released at the 50% mark? If so, how will they be different? Or will they be the same licence conditions but just imposed at the 40% mark?

The Minister also noted that tags would be used where required. We are told that the offenders can be ordered to wear electronic tags and that curfews will be imposed where appropriate. Will all prisoners released

at the 40% mark be required to wear a tag, at least until they reach the 50% mark? Will such prisoners also be subject to a curfew for that period, or are we being told that tags and curfews are available, which we know, but will not be routinely imposed on this cohort?

Will the Minister be able to report to Parliament if any serious crimes are committed for those released at the 40% mark? Will His Majesty's Government confirm that there are no plans for any further or earlier release of any other cohorts of prisoners?

This debate has been very useful. I look forward to hearing what the Minister has to say in response.

6.15 pm

Lord Timpson (Lab): My Lords, I thank all noble Lords for their valuable contributions to this important debate, and I look forward to answering as many questions as I can. I will of course go back and look at *Hansard*, and if there is anything I have not answered, I will endeavour to write. As noble Lords have already pointed out, I have had quite a busy few days and I am learning fast, so I ask your Lordships to please bear with me if I am not quite as smooth as other noble Lords have been today.

I will start with the noble Earl, Lord Attlee, on recall. Recall is used only when necessary to protect the public. I see no reason to believe that it is being used inappropriately. This week, I went to two prisons to meet the offender management units to see how they were getting on with the important work they are doing. While they were very busy, I got the distinct feeling that they were on top of things and very much prepared for the hard work.

The noble Lord, Lord Beith, mentioned remand. We are very aware that the remand population has seen significant growth, and it is a significant issue. It has grown from about 9,000 to 16,000 prisoners. However, making changes to the remand cohort in a way that respects the individual decision by the judiciary will take time to implement. Unfortunately, we do not have much time.

A number of noble Lords, including the noble Baroness, Lady Jones of Moulsecoomb, the noble Lords, Lord Deben, Lord Beith and Lord Brooke of Alverthorpe, and the noble and learned Lord, Lord Hope of Craighead, talked about who goes to prison. I thought I would mention the sentencing review that we are planning. That will take place as soon as possible. That will, I hope, be an opportunity for noble Lords to discuss and debate where we are going on sentencing.

One point raised by a number of noble Lords was around IPP prisoners. That is not something that is covered by this instrument. If it is satisfactory, I will write to the noble Lord, Lord Moylan, with the exact detail, because this is so new to me and I do not want to get anything wrong at this early stage of my career in this House. IPP prisoners is an area that troubles me deeply. I have been going to prisons for over 20 years, and every time I go into an establishment, I always try to sit in a cell and talk to a man or a woman who is an IPP prisoner. In fact, I sat next to an IPP prisoner on Thursday. They all have a different story. Most of them suffer from multiple challenges; most of them feel lost; many of them are institutionalised.

We have a duty to help them live a law-abiding life outside, but it is challenging. We are making progress, and this is one of the areas I want to make further progress on quickly. I assure noble Lords that it is at the top of my in-tray every day.

On the subject of prison building, which the noble Lord, Lord Beith, talked about, it is important, and we are committed to building new modern and safe prisons. For me, one of the advantages of new prisons is that they have the facilities required to help people gain skills and education, so that when they are released they have the skills and confidence that make them more attractive to an employer.

The noble and learned Lord, Lord Hope of Craighead, asked what I meant by “stabilised”. Even though I have been going round prisons for many years, I have been trying to remember when I last felt that a prison was stable. It was probably the category D prisons, up until the last year, where they often had spare capacity and you felt that they were very much on the right side of panic. However, where a prison is 99% full, it is very difficult for the prison staff and probation staff to adequately educate and train, and to have time for those quiet conversations on the wings between prison officers and prisoners, which are sometimes very important turning points in someone’s life. I have worked alongside many colleagues who have left prison, and very often the story they tell me is that their lives were not turned around by family or friends but by a kind prison officer who gave them their time.

The noble Lord, Lord Brooke of Alverthorpe, spoke about mental health. We have a broad failure across many of our public services, including the health service. One of the things that is very important to me as I progress in this role is to support our health professionals to work with our offenders, inside and outside prison. These people have failed society but often society has failed them too, and they often need support to overcome their health problems, especially around addiction.

The noble Earl, Lord Courtown, talked about the impact on communities when people leave prison and how society will cope with that. We are recruiting 1,000 extra probation officers; although they will not be in place completely until March next year, it is an important step. What we want to achieve is a reduction in reoffending. To me, what is important from this job is to help people not to reoffend, because that reduces crime, we have fewer victims, it costs less money and it means fewer wasted lives. The plan at the moment is for the release point to go to 40%, and when we are satisfied that the capacity problem is resolved, it will go back to 50%. We will publish every quarter an update on how this scheme is running. Not all prisoners leaving prison will go on tag; it will depend on whether the professionals deem it to be appropriate. As I said on Wednesday, I will test one of the tags myself to see what it is like, and will report back to noble Lords.

Earl Attlee (Con): My Lords, the Minister should make sure that it is not a sobriety tag.

Lord Timpson (Lab): I assume that if it is, I will not be able to have a sherry trifle, which is one of my favourite desserts.

To conclude, this statutory instrument is vital for addressing the capacity crisis in our prisons. It will pull us back from the brink of a total collapse of law and order in our country, which would put the British people at risk—something we cannot countenance. We should, however, be under no illusion: the measure we have debated today is not a silver bullet for prison capacity. It will not end this crisis and it is not the solution for the longer term, but it is a measure that buys us the time needed to take further steps to address the pressures in our prisons and put the criminal justice system on a sustainable footing, in turn providing greater protection to victims and the public. It rightly brings to an end the short-term measures of the previous Government that operated without due transparency, proper scrutiny or the safeguards to protect the public that are the heart of this Government’s approach.

Before I close, I wish to extend some further thanks, building on the remarks I made in my maiden speech in this place. As I said then, those who work in our Prison and Probation Service work every day with some of the most complex people, inside one of the most complex systems. Managing a prison system at around 99% capacity for an extended time will have been an extraordinary challenge not just for those on the front line but for all the partners in our criminal justice system, including civil servants at the Ministry of Justice and those working in the third sector. I therefore thank my colleagues at the Ministry of Justice and His Majesty’s Prison and Probation Service not just for the way they have welcomed me into the department but for their committed and largely unsung service to guiding us through this current prison capacity challenge.

The last Government placed our criminal justice system and prisons in crisis, but the legacy of this Government will be different. It will see a prison system brought under control, a Probation Service that keeps the public safe and enough prison places to meet our needs—which will lead to having prisons we are proud of, but also prisons, probation and other services working together to break the cycle of the revolving door and reduce reoffending. Today’s measure is not the long-term solution—we are being transparent about this—but it is the necessary first step.

Baroness Jones of Moulsecoomb (GP): Will the Minister respond, perhaps at a later date, to my questions about drugs policy and the fact that this Government did not release a report?

Lord Timpson (Lab): I thank the noble Baroness. I will write to her, because I am not completely familiar with that and I would not like to get it wrong.

Motion agreed.

House adjourned at 6.26 pm.

