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PARLIAMENTARY DEBATES
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[I] indicates that the member concerned has a relevant registered interest. The full register of interests can be found at <http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests/>

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Earl Howe	Minister of State, Ministry of Defence and Deputy Leader of the House of Lords
Lord Ahmad of Wimbledon	Parliamentary Under-Secretary of State, Department for Transport
Baroness Anelay of St Johns	Minister of State, Foreign and Commonwealth Office
Lord Ashton of Hyde	Parliamentary Under-Secretary of State, Department for Culture, Media and Sport, Whip
Lord Bates	Minister of State, Department for International Development
Lord Bourne of Aberystwyth	Parliamentary Under-Secretary of State, Department for Communities and Local Government, Wales Office
Lord Bridges of Headley	Parliamentary Under-Secretary of State, Department for Exiting the European Union
Baroness Buscombe	Whip
Earl of Courtown	Deputy Chief Whip
Lord Dunlop	Parliamentary Under-Secretary of State, Scotland Office and Northern Ireland Office
Lord Gardiner of Kimble	Parliamentary Under-Secretary of State for Department for Environment, Food and Rural Affairs
Baroness Goldie	Whip
Lord Henley	Parliamentary Under-Secretary of State, Department for Work and Pensions
Lord Keen of Elie	Advocate-General for Scotland and Ministry of Justice Spokesperson
Baroness Mobarik	Whip
Lord Nash	Parliamentary Under-Secretary of State, Department for Education
Baroness Neville-Rolfe	Commercial Secretary to the Treasury
Lord O'Shaughnessy	Parliamentary Under-Secretary of State, Department of Health
Lord Price	Minister of State, Department for International Trade
Lord Prior of Brampton	Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy
Baroness Shields	Parliamentary Under-Secretary of State, Home Office
Lord Taylor of Holbeach	Chief Whip
Baroness Vere of Norbiton	Whip
Baroness Williams of Trafford	Minister of State, Home Office
Lord Young of Cookham	Whip
Viscount Younger of Leckie	Whip

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Written Statements

Friday, 24 February 2017

Avian Influenza

[HLWS498]

Lord Gardiner of Kimble: My Right Hon Friend the Secretary of State (Andrea Leadsom) has today made the following statement.

High Pathogenicity H5N8 Avian Influenza has been circulating in Europe since the autumn. There have been 9 confirmed cases in poultry in the UK and several findings in wild birds across England. Public Health England advises that the risk to public health from H5N8 is very low and the Food Standards Agency has said there is no food safety risk for UK consumers.

In response to the threat from H5N8 to poultry, my Department has taken robust precautionary action. This has included an indefinite ban on poultry gatherings, enhanced wild birds surveillance and an Avian Influenza Prevention Zone across England. The zone was put in place on 6th December and amongst other things requires the compulsory housing of poultry and captive birds or where this is not possible, their separation from wild birds.

Where H5N8 has been detected in poultry or captive birds, this has been dealt with effectively by the Animal and Plant Health Agency, and I am grateful for all involved in this considerable effort to control and stamp out this disease.

On 28th February, the Avian Influenza Prevention Zone will have been in place for 12 weeks. This is the maximum allowable period that poultry can be housed for disease control purposes and retain Free Range marketing status.

The risk of H5N8 in wild birds across the UK remains high. As a result, from 28th February, my Department will put in place a new Avian Influenza Prevention Zone. This will continue to require that all keepers of poultry and captive birds observe heightened biosecurity requirements regardless of their location. Subject to these measures being put in place, housing will no longer be required for the vast majority of keepers.

Within England, there are some areas that are at higher risk of H5N8 due to their proximity to substantial inland or coastal bodies of water where wild waterfowl collect. In these Higher Risk Areas, which will cover around 25 per cent of poultry premises, mandatory housing or fully netting outside areas will be required. This may temporarily result in the loss of Free Range status for keepers in these areas unless they apply netting of range, rather than housing.

The higher risk areas are based on expert advice on the latest veterinary and ornithological data and have been reviewed by leading experts.

I am very mindful of the impact that temporary loss of Free Range status will have on affected businesses.

During this unprecedented period of high risk, I have taken this decision based on the best scientific and veterinary advice in order to control disease and protect our poultry industry. Effective disease control will always be our priority: disease outbreaks cause birds to suffer, damage businesses and cost the UK taxpayer millions. We do not anticipate any significant disruption to the supply of free range eggs after 28 February.

These measures will be put in place in the first instance until the end of April, but will be kept under constant review with the aim of lifting the targeted measures within Higher Risk Areas as soon as risk levels allow it.

EU Energy Council

[HLWS500]

Lord Prior of Brampton: My honourable friend the Parliamentary Under Secretary of State, Minister for Energy and Industry (Jesse Norman), has made the following written ministerial statement:

There will be a meeting of the Energy Council in Brussels on 27 February.

The Council will begin with an initial exchange of views on the Commission's "Clean Energy for all Europeans" package published on 30 November 2016. This will include discussion of the electricity market design proposals consisting of the recast of the regulation on the internal electricity market, the recast of the directive on common rules for the internal electricity market, a regulation on risk preparedness in the electricity sector and the recast of the regulation establishing a European Union Agency for the Co-operation of Energy Regulators (ACER). The discussion will also cover the proposals for the recasts of the directives on the promotion of the use of energy from renewable sources, energy efficiency and energy performance of buildings, and the new proposal for a regulation on governance of the Energy Union.

The Commission will then present the second State of the Energy Union report which was published on 1 February. The report highlights progress in 2016 taking forward the aims and objectives of the Energy Union and considers trends since the first State of the Energy Union Report was published in 2015.

The Presidency will provide an update on the 'state of play' on a number of legislative dossiers currently under negotiation. Both the regulation concerning measures to safeguard the security of gas supply and the regulation setting a framework for energy efficiency labelling are currently the subject of trilogues with the Commission and European Parliament. Negotiation has recently commenced on the proposed legislation to amend the energy efficiency directive and that to amend the energy performance of buildings directive.

The Commission will also make a presentation on the Ocean Energy Forum, which in November 2016 published a Strategic Roadmap building on European leadership in ocean energy, and the development of

technologies that could meet a significant amount of Europe's future power demand.

Finally, the Czech delegation will look ahead to the European Nuclear Energy Forum in May 2017, an annual event hosted alternately by the Czech Republic and Slovakia bringing together all relevant stakeholders in the nuclear field, to discuss issues of mutual interest.

EU Environment Council

[HLWS499]

Lord Gardiner of Kimble: My Hon Friend the Parliamentary Under Secretary of State for the Environment and Rural Life Opportunities (Thérèse Coffey MP) has today made the following statement.

I will attend the Environment Council that takes place on 28 February in Brussels alongside my Hon. Friend the Minister of State for Climate Change and Industry, Nick Hurd MP.

Following the adoption of the agenda, the list of "A" items will be approved.

Under legislative deliberations, Council will debate a proposal to amend the Directive on cost-effective emission reductions and low-carbon investments (that is, the EU Emissions Trading System) with a view to reaching an agreed Council position or 'General Approach'.

Under non-legislative activities, Council will exchange views on implementation of the 2030 Agenda for Sustainable Development; and the links between Greening the European Semester and the recently-published EU Environment Implementation Review.

The following items will be discussed under 'Any Other Business':

- a) Emissions Trading System (ETS) – Aviation.
- b) EU Action Plan for the Circular Economy.
- c) Natura 2000 in the European Solidarity Corps.
- d) Scientific Conference on "Sustainable development and climate changes in the light of the encyclical letter of Holy Father Francis, entitled *Laudato Si'*" (Warsaw, 15 October 2016)
- e) Luxembourg Circular Economy Hotspot (Luxembourg, 20–22 June 2017).
- f) Paris Agreement: International developments.
- g) Environmental concerns regarding a Belarus nuclear power plant.

On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

Hong Kong (Sino/British Joint Declaration)

[HLWS501]

Baroness Anelay of St Johns: My right Honourable Friend, the Secretary for State for Foreign and Commonwealth Affairs (Boris Johnson), has made the following written Ministerial statement:

The latest six-monthly report on the implementation of the Sino-British Joint Declaration on Hong Kong was published today, and is attached. It covers the period from 1 July to 31 December 2016. The report has been placed in the Library of the House. A copy is also available on the Foreign and Commonwealth Office website (www.gov.uk/government/organisations/foreign-commonwealth-office). I commend the report to the House.

The Statement includes the following attached material:

Six-monthly report on Hong Kong [170224 - THE SIX MONTHLY REPORT ON HONG KONG - 1 JULY TO 31 DEC 2016.pdf]

The material can be viewed online at:

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2017-02-24/HLWS501/>

Justice Update

[HLWS503]

Lord Keen of Elie: My right honourable friend the Minister of State for Courts and Justice (Sir Oliver Heald QC) has made the following Written Statement.

"Today the Government has published its response to the consultation on proposals to reform fees for grants of probate. The consultation opened on 18 February and closed on 1 April 2016.

The Government is committed to providing a modern, world-leading justice system which is proportionate and accessible. In 2015/16, the courts and tribunals system cost £1.9 billion to run and we recovered only £700m of that through fees and other income.

The best way to protect access to justice in the long term is with a properly funded justice system. The income fees generate is necessary for an effective courts and tribunals system that supports victims and vulnerable people, and is easy for people to use.

The Government will therefore, subject to approval from Parliament:

- implement the fee structure as consulted on;
- raise the threshold under which no probate fee is payable from £5,000 to £50,000; and
- remove the grant of probate fee from the fee remissions scheme. We will retain the Lord Chancellor's power to remit fees in exceptional circumstances.

This means we are abolishing flat fees and replacing them with a banded structure, related to the value of the estate. This includes raising the fee threshold from £5,000 to £50,000 and lifting 25,000 estates out of fees

altogether. Overall, 58% of estates will pay no fee at all and 92% will pay £1,000 or less for this service.

We are confident through our engagement with organisations like the British Banking Association and Building Societies' Association that executors will have a range of options to finance the payment.

The new fee structure will generate around £300m per year in additional fee income, which will all be reinvested back into Her Majesty's Courts and Tribunals Service.

Full details of how the Government intends to take forward these proposals is set out in the consultation response document which has been published on the gov.uk website."

Use and Retention of Custody Images

[HLWS502]

Baroness Williams of Trafford: My rt hon Friend the Secretary of State for the Home Department (Amber Rudd) has today made the following Written Ministerial Statement:

I am pleased to announce that today I am publishing the *Report on the Review of the Use and Retention of Custody Images*, copies of which are available in the House Library and online at gov.uk. These are the images taken when people are arrested.

This review has found that the police make extensive use of custody images and that they are a standard feature of everyday policing. It sets out the Government's view of the framework for the use and retention of custody images by the police.

The review acknowledges the important role that custody images and facial searching plays in the detection and prevention of crime. However, it recognises the need to strike a careful balance between protecting individual privacy and giving the police the tools they need to keep us safe.

Accordingly, following consultation with key partners, the principal recommendation is to allow 'unconvicted persons' to apply for deletion of their custody image, with a presumption that this will be deleted unless retention is necessary for a policing purpose, and there is an exceptional reason to retain it. In practice, this will mean that people could apply to chief officers for their image to be deleted where they have not been convicted of the offence in relation to which their image was taken.

Further, the review recommends that there should be an even stronger presumption of deletion upon application for unconvicted persons whose image was taken when they were under 18 years old and that such images should be retained only where there are exceptional reasons to do so.

Where the image of an unconvicted person is not deleted, or where no application is received, the review recommends that it should be reviewed in accordance with the periods set out in the College of Policing's Authorised Professional Practice Guidance ('the APP'),

with a presumption of deletion at the next review unless there is an exceptional reason to retain the image (a strong presumption of deletion and highly exceptional reasons in the case of a person whose image was taken when they were under 18).

The review also recommends that persons who are convicted of the offence in relation to which their image was taken should have a limited right to apply for deletion of their image. Forces would only be required to consider such applications for deletion six or ten years after conviction or release from custody where the person was sentenced to a term of imprisonment or detention for the offence in question or another offence, depending on the APP group that the offence falls into. There would be no presumption of deletion at the point of review, other than where the image was taken when the individual was under 18. In all cases the police will be able to retain the image if this is necessary for a policing purpose and proportionate to the level and type of risk the individual poses.

Where the image of a person convicted of a recordable offence is not deleted, or where no application is received, the review recommends that its retention should be reviewed in accordance with the periods set out in the College of Policing's Authorised Professional Practice Guidance ('the APP'), with no presumption in favour unless it relates to an image taken when they were under 18).

A person convicted for a 'non-recordable' offence (which are broadly less serious than recordable offences), would be able to apply for deletion of their image six years after conviction. If the image was taken when the person was an adult, there would be a presumption in favour of deletion; if the image was taken when the person was under 18, there would be a strong presumption in favour of deletion.

Where the image of a person convicted of a non-recordable offence is not deleted, or where no application is received, the review recommends that its retention should be reviewed six years from conviction (or release from custody) and every five years thereafter, with a presumption in favour of deletion and a strong presumption if it relates to an image taken when they were under 18).

The core recommendations will be implemented through changes to the APP.

Youth Justice

[HLWS504]

Lord Keen of Elie: My right honourable friend the Lord Chancellor and Secretary of State for Justice (Elizabeth Truss) has made the following Written Statement.

"In December 2016, we set out our plans to reform our approach to youth justice which will help drive forward improved outcomes for young offenders both in custody and in the community.

We are today announcing the next steps of our reforms with a package of measures which will create stronger, clearer governance for the youth justice system.

I have appointed Charlie Taylor as the new Chair of the Youth Justice Board. He is uniquely well placed to take on this role: he has led changes in government policy on the education of children who have been excluded from school, is a former head teacher of an outstanding school for children with complex behavioural, emotional and social difficulties, and his youth justice review set out a compelling vision for reform. As the Chair of the Board, it is this vision that he will work with my department to drive forward.

We will create a new Youth Custody Service as a distinct arm of HM Prison and Probation Service, with a dedicated Director accountable directly to the Chief Executive and working closely with the Chair of the Youth Justice Board. The Director will have operational responsibility for the day-to-day running of the youth estate, will keep a firm grip on performance, and will be a board-level member of HM Prison and Probation Service. The Youth Custody Service will have its own workforce separately recruited and trained to work in the youth estate, and we will create distinct career pathways for those wanting to work with children and young people in the secure estate, including a new Youth Justice Specialist Worker role.

We will bring responsibility and accountability for commissioning youth custody services into the Ministry of Justice. Working closely with the Chair of the Youth Justice Board, the Department will be responsible for setting clear standards for the provision of youth justice and will be responsible for intervening decisively to address poor performance.

These changes will enable the Youth Justice Board to build on its strong track-record and focus on its statutory function of providing vital independent advice on, and

scrutiny of, the whole system, advising the government on what standards to set for the youth justice system and monitoring delivery of those standards. It will continue to work closely with Youth Offending Teams to promote early intervention in the community and share best practice across the system.

The youth justice system covers England and Wales and the majority of services for children and young people in Wales are devolved. We will continue our collaborative approach with the Youth Justice Board Cymru and the Welsh Government under these new arrangements.

We are very grateful to Lord McNally, whose term as Chair ends shortly, for his dedicated leadership of the Youth Justice Board over the past three years, and thank him for the drive and passion he has shown.

Charlie Taylor will become the new Chair of the Youth Justice Board when Lord McNally's term ends. Under the Governance Code on Public Appointments, which came into effect on 1 January this year, ministers can, in exceptional circumstances, make an appointment without a competition. I have decided to appoint Charlie Taylor as the new Chair of the Youth Justice Board on these terms and, in accordance with the Code, have consulted the Commissioner for Public Appointments who has accepted the decision.

We are also publishing today the findings and recommendations of the Youth Custody Improvement Board. The Board was set up to explore and report on the current state of the youth custodial estate and recommend how the system could be improved, particularly focusing on any current risks to safety and well-being. We are very grateful to its members for their work. The Board's report underlines the importance of reforming the youth custody system. Many of their recommendations are reflected in our plans, and we will consider all their recommendations as we implement our reforms."

Written Answers

Friday, 24 February 2017

Detainees: Bahrain

Asked by Lord Hylton

To ask Her Majesty's Government, in the light of the training and assistance provided by HM Inspectorate of Prisons' staff and police to assist or develop local inspection and monitoring of places of custody in Bahrain in 2014–15, whether they have since provided further training and assistance, in particular to the Criminal Investigation Directorate headquarters in Manama; and what assessment they have made of reports of torture at those headquarters and elsewhere in Bahrain. [[HL5061](#)]

Lord Keen of Elie: HMI Prisons delivered refresher training on how to inspect police facilities to the Prisoners and Detainees Rights Commission (PDRC) before the latter conducted its police custody inspections. HMI Prisons had no involvement in the inspections themselves. HMI Prisons continues to encourage the PDRC to focus on three key priorities: examining the response to allegations of torture, including the detainee voice in all reports, and producing well structured reports with clear judgements. HMI Prisons has not provided further training on police custody inspection to the PDRC. HMI Prisons has delivered no training to and has had no direct engagement with the Criminal Investigation Directorate.

The UK government continues to urge all allegations of torture or mistreatment in detention to be reported to the

Ministry of Interior Ombudsman, whose duty it is to carry out full, independent investigations into these allegations. We will continue to raise concerns about human rights with the Government of Bahrain whenever we have them.

The UK continues to support Bahraini-led reform through a package of technical assistance. We believe it is not good enough to criticise countries from the sidelines. Only by working with Bahrain can we bring about the changes we would like to see in the country. Any assistance delivered by or on behalf of the UK Government complies with our domestic and international human rights obligations.

Ministers: Pay

Asked by Lord Jopling

To ask Her Majesty's Government how many current Ministers in (1) the House of Lords, and (2) the House of Commons, are unpaid; why there is a difference in the proportions of those who are paid and unpaid in each House; and whether the relative personal financial needs of potential Ministers is considered before decisions are taken over which Ministers are paid. [[HL5293](#)]

Lord Young of Cookham: There are currently three House of Commons Ministers and eight House of Lords Ministers who are unpaid.

Ministerial appointments are at the discretion of the Prime Minister within the legislative limits set out in The Ministerial and Other Salaries Act 1975 and The House of Commons Disqualification Act 1975.

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