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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES  
(HANSARD)**

**Friday 17 March 2023**

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# House of Commons

*Friday 17 March 2023*

*The House met at half-past Nine o'clock*

## PRAYERS

[Mr SPEAKER in the Chair]

**Chris Clarkson** (Heywood and Middleton) (Con): I beg to move, That the House sit in private.

*Question put forthwith (Standing Order No. 163).*

*Question negatived.*

**Sir Christopher Chope** (Christchurch) (Con): On a point of order, Mr Speaker. Can you please clarify this position for me? As I understand it, our right hon. Friend the Member for North Thanet (Sir Roger Gale) is likely to take the Chair during proceedings later today. Can you confirm that he will not be able to take the Chair until we have disposed of the first Bill on the Order Paper, because he spoke in quite vehement terms in that Bill's Second Reading debate?

**Mr Speaker:** Order. Sit down, Sir Christopher. Don't worry; I have got the point—you do not need to labour it. The answer is that anybody who takes this Chair is completely neutral and independent. Like all hon. Members, I have faith and trust in anybody who sits in this Chair—I cannot believe that some people question that—in the same way that we have faith and trust in the Panel of Chairs. I know that you have faith and trust and that, on that basis, you would not want to proceed.

## Hunting Trophies (Import Prohibition) Bill

*Consideration of Bill, not amended in the Public Bill Committee*

9.35 am

**Mr Speaker:** Before we get on to proceedings, I remind Members of the differences between Report and Third Reading. The scope of Report stage debate is the amendments that I have selected. The scope of the Third Reading debate to follow will be the whole Bill as it stands after Report. Members may wish to consider those points and then decide at which stage or stages they want to try to catch my eye.

I would also say that it is in the hands of the hon. Member for Christchurch (Sir Christopher Chope) to get this Bill through as quickly as possible so that he has no worries.

### New Clause 1

#### DURATION OF THIS ACT

“(1) Sections 1 to 4 expire at the end of the period of 5 years beginning with the day on which this Act is passed, subject to subsections (2) and (3).

(2) Subject to subsection (3), if the Secretary of State considers it reasonable to do so, the Secretary of State may by regulations substitute the date specified in subsection (1) of this section with a later date.

(3) The date specified in regulations under subsection (2) may not be more than 5 years later than the date substituted.”—  
(*Sir Bill Wiggin.*)

*This new clause would cause the provisions of the Bill to cease to have effect 5 years after the Act is passed. The Secretary of State would have the power to extend the expiration date by up to 5 years.*

*Brought up, and read the First time.*

**Sir Bill Wiggin** (North Herefordshire) (Con): I beg to move, That the clause be read a Second time.

**Mr Speaker:** With this it will be convenient to discuss the following:

*New clause 2—Implementation and monitoring—*

(1) Within three years of this Act being passed, the Secretary of State must lay before Parliament a report on its implementation and the effectiveness of its provisions.

(2) The report must include an assessment of the impact of the Act on the conservation of animal species to which the import prohibition relates.”

*New clause 3—Report on impact on Northern Ireland—*

(1) Within two years of the passing of this Act, and every two years thereafter, the Secretary of State must lay before Parliament a report containing an assessment of the impact of the provisions of this Act on Northern Ireland, including any significant changes in the number and nature of hunting trophies being brought into Northern Ireland.

(2) Each report laid under subsection (2) must make a recommendation as to whether further legislation should be brought forward in response to the report.”

*This reporting requirement would ensure that the Secretary of State has to assess the impact of the provisions of this Act on Northern Ireland and make a recommendation about whether further legislation is needed.*

*New clause 4—Advisory Board on Hunting Trophies—*

(1) The Secretary of State must appoint an Advisory Board on Hunting Trophies (“Advisory Board”).

(2) The Advisory Board appointed under subsection (1) may have up to three members.

(3) The role of the Advisory Board is to advise the Secretary of State—

(a) on any question relating to this Act which the Secretary of State may refer to the Committee,

(b) on any matter relating to the import to Great Britain of hunting trophies derived from species of animal which appear to the Secretary of State to be, or to be likely to become, endangered.

(4) In appointing members of the Advisory Board, the Secretary of State must have regard to their expertise in matters relating to the import of hunting trophies.”

Amendment 6, in clause 1, page 1, line 2, after “where”, insert—

“(aa) The hunting trophy has been brought from a country which is a party to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)—”

(i) without the appropriate documentation in respect of CITES having been presented at the port of exit, or

(ii) in breach of the export licence regulations of that country,”

Amendment 12, in clause 1, page 1, line 2, after “where” insert—

“(aa) the hunting trophy is brought from a country other than Botswana, Namibia, South Africa, Tanzania, Zambia and Zimbabwe,”

*The six countries specified in this amendment have made representations to the UK Government highlighting inter alia their good record in bio-diversity conservation and that they are home to more than half of the world's lions, buffalos, elephants, rhinos and many other species.*

Amendment 7, in clause 1, page 1, line 9, leave out “hunted” and insert “killed”

Amendment 8, in clause 1, page 1, line 9, leave out from “after” to end of line 10 and insert “1 June 2023”

*This amendment would ensure that any imported hunting trophy hunted after 1 June 2023 would be covered by the legislation.*

Amendment 2, in clause 1, page 1, line 10, at end insert—

“(e) the animal was hunted less than ten years before the day on which it is brought into Great Britain.”

*This amendment would allow the import of hunting trophies where the animal was hunted more than ten years before it is imported.*

Amendment 4, in clause 1, page 1, line 10, at end insert—

“(1A) The Secretary of State must by regulations provide for an exemption from the prohibition under subsection (1) to apply in cases where a hunting trophy can be shown to have been obtained in a way which contributed to the conservation of—

- (a) one or more species of flora or fauna, or
- (b) one or more natural habitats.

(1B) Regulations under subsection (1A) must provide for a certification system to allow for the identification of hunting trophies to which the regulations apply.

(1C) A statutory instrument containing regulations under subsection (1A) may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.”

Amendment 27, in clause 1, page 1, line 10, at end insert—

“(1A) The Secretary of State must by regulations provide for an exemption from the prohibition under subsection (1) to apply in cases where, in respect of a hunting trophy—

- (a) an export permit, or
- (b) an import and an export permit has been granted in accordance with the requirements of the Principal Wildlife Trade Regulation.

(1B) Regulations under subsection (1A) must provide that no exemption applies to any hunting trophy obtained through the hunting of an animal in an enclosure from which it was unable to escape.

(1C) A statutory instrument containing regulations under subsection (1A) may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.”

Amendment 9, in clause 1, page 1, line 13, leave out “hunting” and insert “killing”

Amendment 24, in clause 1, page 1, line 15, after “use”, leave out “(which does not include consumption)” and insert “as an ornament”

*This amendment prevents animals hunted for purposes other than as ornaments (for example, educational or scientific purposes) being included in the definition of hunting trophy.*

Amendment 10, in clause 1, page 1, line 18, leave out subsection (3)

Amendment 11, in clause 1, page 1, line 21, leave out subsection (4)

Amendment 3, in clause 1, page 2, line 2, at end insert—

“(5) Within three months of the passing of this Act, the Secretary of State must publish guidance for customs officers on the identification of hunting trophies.”

Amendment 25, in clause 2, page 2, line 4, leave out from “to” to end of line 8 and insert—

“(a) Any animal or species which has been certified by the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) as being threatened with extinction or might be threatened with extinction if trade was not regulated, and

(b) any animal or species the commercial trade in which is regulated by CITES and in respect of which there has been a breach or suspected breach of the applicable regulations.”

*This amendment would simplify and clarify the animals and species to which the import prohibition relates by making direct reference to criteria certified by CITES and the consequence of non-compliance with CITES regulations. This reflects current law and practice.*

Amendment 13, in clause 2, page 2, line 5, leave out “Annex A or B of the Principal Wildlife Trade Regulation” and insert—

“Schedule 1 of the Endangered Species (Import and Export) Act 1976, as enacted”

Amendment 1, in clause 2, page 2, line 6, leave out from “Regulation,” to end of line 20

*This amendment would remove the power of the Secretary of State to vary by statutory instrument the species to which this Act applies.*

Amendment 14, in clause 2, page 2, line 8, leave out paragraph (b)

Amendment 23, in clause 2, page 2, line 8, at end insert—

“(c) an animal of any species, where that animal has been hunted in a confined enclosure.”

*This amendment would outlaw the import of any hunting trophy obtained through the practice known as ‘canned hunting’ irrespective of the species of that animal.*

Amendment 15, in clause 2, page 2, line 8, at end insert—

“(1A) This Act does not apply to captive-bred animals.”

Amendment 26, in clause 2, page 2, line 8, at end insert—

“(1A) For the purposes of this Act, “animal” does not include fish or birds.”

Amendment 16, in clause 2, page 2, line 9, leave out subsection (2)

Amendment 17, in clause 2, page 2, line 14, leave out from “instrument” to end of line 17 and insert—

“under sub-section (1)(a) unless a draft of the Instrument has been laid before and approved by a Resolution of each House of Parliament”

Amendment 18, in clause 2, page 2, line 18, leave out subsection (5)

Amendment 19, in clause 3, page 2, line 22, leave out Clause 3

Amendment 20, in clause 4, page 3, line 3, leave out from “force” and insert—

“at the end of the period of two months beginning with the day on which this Act is passed”

Amendment 28, in clause 4, page 3, line 4, at end insert—

“(2A) The Secretary of State may not make regulations under subsection (2) in respect of section 1 until—

- (a) an impact assessment of trophy hunting on conservation projects, wildlife management, livelihoods and tourism has been carried out and published in respect of each country to which Section 1 applies, and
- (b) a public consultation has been conducted on each impact assessment.”

Amendment 21, in clause 4, page 3, line 7, leave out subsection (4)

Amendment 22, in clause 4, page 3, line 10, leave out subsection (5)

**Sir Bill Wiggin:** It is good to see you in the Chair, Mr Speaker.

New clause 1 concerns duration and would cause the Bill's provisions to cease to have effect five years after it is passed. In 2019, we stood on a manifesto commitment to ban imports from the trophy hunting of endangered animals. I therefore propose that the sunset clause be added for the simple purpose of ensuring that the Act, should it prove unsuccessful in protecting endangered species, can be withdrawn. If, on the other hand, after five years, the Act does in fact prove successful in achieving the stated aims of our manifesto commitment, the Secretary of State would have the power to extend the expiration date by up to five years.

I have been concerned throughout the progress of the Bill that it is not motivated by a desire to see African wildlife flourish and prosper. If it were, it would have paid heed to the scientific evidence provided by experts in conservation. British conservationists Professor Amy Dickman and Adam Hart have argued that 90% of protected areas with lions are severely underfunded. Removing trophy hunting without providing suitable alternative revenue will expose those underfunded protected areas to further risks, such as poaching. According to the International Union for Conservation of Nature red list, trophy hunting is not considered to be a threat driving any species to extinction. Instead, trophy hunting generates revenue for anti-poaching and habitat conservation. It has been recognised as a positive tool for conservation in multiple species—including black rhino, white rhino, argali, macaw, some populations of lion, and white-tailed deer—and maintains extensive areas of wildlife habitat.

High commissioners from Namibia, South Africa, Tanzania and Zimbabwe argued in a letter to the Minister of State in the Foreign Office:

“Well-managed trophy hunting—the prevailing model in all our countries—contributes to reductions in habitat loss and poaching. It has proved a demonstrable conservation tool for multiple species, including endangered ones such as black rhinos.”

Maxi Louis, the director of NASCO, the Namibian Association of Community Based Natural Resource Management Support Organisations, wrote in a letter to my hon. Friend the Member for Crawley (Henry Smith):

“Take away those employed to protect wildlife in the reserves and poachers move into the vacuum. This quickly leads to huge losses of endangered animals. Yet what really angers us is how these animals die. Snaring leads to appalling injuries and pitifully slow deaths. Poisoning is traumatic, lions vomiting for hours, as they pass away.”

She wrote that

“when Botswana had a temporary ban on paid hunting there was a 593% increase in fresh elephant carcasses being found.”

Professor Amy Dickman, a conservation biologist and director of the Wildlife Conservation Research Unit at the University of Oxford, has also argued that the Bill will facilitate an increase in poaching. She has described her distress while carrying out fieldwork in Africa, where she witnessed the horrendous aftermath of a lioness trapped in a poacher's snare, a decapitated

hyena and a leopard with its paw mangled in a trap, all of which had suffered more painful and prolonged deaths from poachers than from a hunter's bullet.

The concern held by both conservationists and African community leaders is that, by enforcing the removal of the vital source of revenue supplied by trophy hunters to these communities, we open the floodgates to poachers, who will cause far more cruelty and pain to the animals and pose a far greater threat to endangered species. The opinions and evidence from these experts do not fill me with a lot of confidence that the Bill will achieve its stated aim, nor does the misinformation that is being touted by the Campaign to Ban Trophy Hunting.

I have tabled new clause 1 to ensure that the Bill is not a classic case of virtue signalling at the expense of African wildlife and the conservation efforts of African people. If, five years down the line, the Act proves to be ineffective, as I suspect it will, at conserving endangered species and has led to an increase in poaching, it seems right that provision should be made for the Act to be withdrawn. If the supporters of the Bill are so confident that it will achieve the desired result of protecting endangered species and not encouraging poachers, who I believe are a greater threat to these endangered species than well-regulated hunting, why not include this sunset clause in it?

**Bob Stewart** (Beckenham) (Con): How much, in percentage terms, of the budget to protect wildlife comes from trophy hunting?

**Sir Bill Wiggin:** All of it. One of the problems I will come to in a moment is that, where we are asking people to stop trophy hunting, we are not necessarily replacing that with funding. In one area, which I look forward to telling the House about in a moment, we do provide funding, and we are encouraging local people to protect their wildlife and build businesses, particularly for the women, but they are arguing that, by withdrawing trophy hunting, we are cutting the legs off that effort. There are real contradictions here, which is why it is such a difficult subject.

**Sir Christopher Chope** (Christchurch) (Con): Can my hon. Friend confirm that Vernon Booth, a conservationist and wildlife consultant in Zimbabwe, writes in today's *Daily Mail* that

“Revenue from trophy hunting contributes 25 per cent of the income of the Zimbabwe Parks and Wildlife Management Authority”?

**Sir Bill Wiggin:** I have no reason to disagree with that, and it demonstrates what a thorny issue this is.

It is worth remembering that this Bill is designed to stop the importing of trophies, rather than prevent the banning of hunting. I have tabled new clause 2 on implementation and monitoring, which is similar to new clause 1 in that its intention is to assess the practicality and effectiveness of the provisions of the Bill. It would require that

“Within three years of this Act being passed, the Secretary of State must lay before Parliament a report on its implementation and the effectiveness of its provisions”,

with that report including an assessment of the impact the Act has had on the conservation of endangered species.



[Sir Bill Wiggin]

As the UK is a member of the International Union for Conservation of Nature, we should follow its recommendations before restricting trophy hunting. Those include sound analysis of the conservation role of trophy hunting, meaningful consultation with affected Governments and communities, steps to address poor practice and implementation of feasible, fully funded alternatives that generate equal or greater conservation benefits. Since I do not believe that those steps have been adequately taken, it is only right that new clause 2 be adopted, to ensure the effectiveness of the Bill in promoting conservation of endangered species, measured three years after its implementation.

If there is such confidence that the Bill will contribute to the conservation of such species, I see no reason for there to be any objection to a post-implementation review being undertaken that examines the impact on species abroad. In order to test the efficacy of the legislation, and whether it has achieved the desired goal of improving the population numbers of endangered species, I hope that the House will consider the new clause, which will ensure we continue to keep the effectiveness of the Bill under review until it is enacted.

9.45 am

New clause 3 is a reporting requirement for the Secretary of State to assess the impact of provisions on Northern Ireland. It was put forward by my hon. Friend the Member for Christchurch (Sir Christopher Chope), who has been a tremendous ally in this. If I were to occupy a foxhole, perhaps in Ukraine, I could ask for no finer colleague to join me than he. So I want to thank him for tabling that. Clause 3 makes it clear that, although the Bill extends to Northern Ireland, it does not actually apply there. I wonder whether he would therefore agree that, considering the delicate nature of the Northern Ireland protocol, requiring a Secretary of State to provide the House with as much information as possible on the impact of the Bill on imports would be a sensible measure.

I am also grateful to my hon. Friend for tabling new clause 4, which seeks to introduce an advisory board on trophy hunting. It is a helpful step forward, and I am glad that we have had productive talks with the Government on it. The Government recognise that it would be sensible to include that in the Bill. In principle, I support the introduction of the advisory board, whose role would be to advise the Secretary of State on matters relating to the import of hunting trophies to Great Britain.

If the aim of the Bill is to prevent the hunting of endangered animals, then expert advice on hunting trophies that have been derived from a species of animal that appears to be or is likely to become endangered is very welcome. It is vital that we keep the focus on the endangered species at the heart of the Bill, since that is the aim.

Much of the information that has been presented on Second Reading has been analysed by Dr Dilys Roe and Professor Adam Hart. They found that, out of over 150 statements made by MPs in support of the ban, 70% were factually incorrect or misleading. It is likewise with much of the public campaigning and lobbying that has been done by high-profile actors and celebrities, who have very little expertise in this matter.

**Jane Stevenson** (Wolverhampton North East) (Con): I think some of the statistics that I have been sent around the Bill have been produced, on both sides, from a position of bias. Is it not the case that we should not pander to a table that we have been sent that is obviously from a hunting lobby or animal rights activist? We need to get to somewhere sensible, in the middle, where we can consider the issue. A lot of my hon. Friend's points are obviously using the statistics from one side, but dismissing those of the other.

**Sir Bill Wiggin:** To be fair, I have not used many statistics, because I fully agree with my hon. Friend. This was analysis done on statements made by Members in the debate, myself included. If 70% were factually incorrect or misleading, then who judges that? Obviously, the people to judge it are experts and the experts should be peer reviewed, acknowledged and acceptable to everybody. That is why new clause 4, which I think is important, allows the Government to have access to agreed experts. That will be much more helpful and factually useful, and may take some of the emotion out of what is a very emotional subject.

**Anthony Browne** (South Cambridgeshire) (Con): We are all united in this House in trying to protect endangered African wildlife. I have seen a lot of it out in the wild and I applaud those efforts. What there is disagreement about is the best way to do that. There are all these statistics that there is debate about. I have lots of statistics that I will not bother quoting because no one will believe them.

If the argument is that trophy hunting needs to continue to provide funding for conservation efforts, and that is the only reason to allow it to continue, should not pressure be put on this Government and internationally to ensure there are other routes of funding conservation efforts? It cannot be right that the main way to fund the conservation of endangered species is to allow the killing of endangered species.

**Sir Bill Wiggin:** I am mindful that new clause 4 should not stray beyond what it does, which is to try to get a team of experts to advise the Government, so that my hon. Friend's valid point is part of the calculation by the Secretary of State. There is public campaigning and lobbying by high-profile actors and celebrities who have very little experience in these matters, and their voices seem to speak louder due to their fame than those of the African community leaders and scientific experts who have objected to the Bill. We need to take the heat and anger out of this debate and get back to the expertise, the science and the result of protecting species, which, as my hon. Friend rightly says, the whole House wants.

If this Bill receives Royal Assent, the Government should have to consult with experts in conservation to ensure the aim of the legislation is respected. I would be most grateful if the Minister could provide some assurance to the African community leaders who have objected to this Bill in their letters to the Government that their expertise on this matter is respected and will be incorporated into such an advisory board. That would ensure positive consultation is maintained with the countries most affected by the Bill, mainly in Africa, who have thus far taken offence at MPs telling their democratic countries how

to manage their wildlife without listening to what they have to say. I wholeheartedly support the introduction of that new clause to ensure an ongoing and productive consultation between the Government and the people who will be on the receiving end of the effects of the Bill.

**Andrew Western** (Stretford and Urmston) (Lab): I confess that I am a little confused by the hon. Gentleman's argument about us seeking to undermine the role of African leaders, because it is my understanding that the Bill proposes to ban imports here—not a ban on trophy hunting in those countries, but a ban in this country on imports; is that not the case?

**Sir Bill Wiggin:** I absolutely agree with the hon. Gentleman's understanding. Unfortunately, it is not quite as straightforward as that. The purpose of the Bill reaches beyond what the UK imports and exports because we already have a permitting system that allows us to manage that, so this is more than that. This is a proper ban. The people who are expected to be on the receiving end are the people who would benefit from new clause 4 being added to the Bill, which would give an opportunity for them to consult.

Amendment 6 aims to limit the ban on trophies that are in breach of the convention on international trade in endangered species permit requirements. Amendment 12—I am again grateful to my hon. Friend the Member for Christchurch for tabling it—exempts Botswana, Namibia, South Africa, Tanzania, Zambia and Zimbabwe from the ban, based on their conservation records.

I will try to make some progress because I believe the Government have been exceptionally helpful on this and the amendment that most matters is amendment 1. If I can just get to that part of my notes, I will seek to enlighten the House as to why—

**Patrick Grady** (Glasgow North) (SNP): Will the hon. Gentleman give way?

**Sir Bill Wiggin:** I will be delighted to give way while I am shuffling my papers.

**Patrick Grady:** Happy St Patrick's Day, Mr Speaker. I was reflecting that perhaps the animals hunted as trophies are not the only endangered species around here: there are several of them on the Government Benches as well, in the shape of Conservative Members of Parliament.

I hope the hon. Gentleman recognises that many of our constituents feel very passionately about these issues—it would be unfair to suggest otherwise—and that the scope of the Bill is, as the hon. Member for Stretford and Urmston (Andrew Western) has said, limited to the bringing of these trophies into the United Kingdom. No one is trying to tell sovereign Governments what they should be doing in their own countries, but we should take cognisance of what is being brought into this country, and many constituents in Glasgow North whom I have heard from are extremely concerned about the practice of trophy hunting and the trade in such trophies, and it is important that we recognise that strength of feeling. It is good that the hon. Gentleman is introducing these amendments in a constructive manner

because the last thing constituents would want to see is parliamentary game playing and undermining of the private Members' Bill system.

**Sir Bill Wiggin:** I am grateful to the hon. Gentleman for his typically helpful intervention, which allowed me to shuffle my papers. I agree with him: the people who are concerned about the topic of this Bill are kind-hearted. They want to make sure that animals are safe and protected, and they have a very good vehicle to express that in the form of the Bill tabled by my hon. Friend the Member for Crawley. The problem is that the road to hell is paved with good intentions, and none of us in the whole House wants to see any reduction in the habitat of endangered species, or the success of their recovery. Therefore, I hope that the Bill will not undermine that, as I fear, and that instead we can come together and agree a Bill that will be able to pass through the House.

To that end, amendment 1 is a most important amendment, because it seeks to restrain the Secretary of State's powers—I know that this Secretary of State is tremendous, but I cannot predict who it might be in the future. Therefore, the amendment would restrict the Secretary of State's actions to the species listed on the face of the Bill—the ones that we are all concerned about. It would remove their power to vary by statutory instrument the species to which the Act applies. It would close the loophole that grants the Secretary of State the power to extend the Act to animals that are not considered endangered. I am concerned that that power could go beyond our 2019 manifesto commitment to ban the import of hunting trophies from endangered animals, which our constituents voted for.

I thank the Government for engaging with me so positively on this matter. I believe that we can move forward constructively if we adopt amendment 1, which would keep the scope of the Bill limited to species listed in annexes A or B of the principal wildlife trade regulation. Under that regulation, all CITES species are listed in four annexes, according to their varying levels of protection. Annex A, which includes all CITES appendix 1 species and some CITES appendix 2 species, lists the most endangered species: those that are either threatened with extinction or so rare that any level of trade would imperil the survival of the species. They include the hunting leopard, Indian lion and black and white rhino, apart from those in South Africa where numbers are higher.

Annex B includes all other CITES appendix 2 species, as well as some other species, but predominantly those threatened by commercial trade. For instance, the African elephant, the African lion, some white rhinos, some brown bears, and the American black bear would fall into that classification. Granting the Secretary of State power to vary by statutory instrument the species to which the Bill applies would allow species that are not listed in CITES and are not endangered to fall within the scope of the Bill. That was brought to my attention on Second Reading, when the Minister, my hon. Friend the Member for Taunton Deane (Rebecca Pow), said:

“The Government intend to table an instrument that covers those species of concern”—[*Official Report*, 25 November 2022; Vol. 723, c. 585.]

—an instrument that would cover other animals, which really disturbed me. The British people did not vote for an indiscriminate ban on shooting any animal that the

[*Sir Bill Wiggin*]

Secretary of State might choose to name. They voted to protect endangered species, and that is what I hope the Bill will do.

I do not think that I need to go on. If the Government are willing to accept amendment 1, I can pause and allow some of my friends and colleagues to contribute. If the Minister would like to intervene, I would be delighted to know whether amendment 1 is acceptable to the Government; otherwise, we can talk about amendment 14, which leaves out the power of the Secretary of State to specify animals or species to which the prohibition applies. Of course, that does a very similar job to amendment 1.

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Trudy Harrison):** I would like to confirm that the Government are minded to accept both new clause 4 and amendment 1, for reasons I will go into later in the debate. I am pleased to understand that my hon. Friend will not, I think, move the remaining 30 amendments that have been tabled.

**Sir Bill Wiggin:** I am extremely grateful to my hon. Friend the Minister. She has been about as helpful as any Minister I have ever had the pleasure of working with, and I am sure the whole House will join me in celebrating my ability to not press my amendments, apart from the two that she has just mentioned.

10 am

**Several hon. Members rose—**

**Mr Speaker:** Just to clarify the point, the Bill is limited to the United Kingdom. It would affect only this country and not other countries. I call Henry Smith.

**Henry Smith (Crawley) (Con):** It is a privilege to speak in this debate and consider the amendments and new clauses tabled by my hon. Friends the Members for North Herefordshire (Sir Bill Wiggin) and for Christchurch (Sir Christopher Chope). I am grateful for the constructive way in which they and the Government have consulted on them. I am happy that new clause 4 will be accepted, as it would establish an advisory board on how a trophy import ban will operate when it becomes law. Amendment 1, which would remove the Secretary of State's discretion to add species, will also be accepted.

New clause 4 covers many of the concerns that my hon. Friend the Member for North Herefordshire set out. I trust that across the House we want to see the best conservation of endangered species around the world, whether that is in Africa, North America, parts of Asia or elsewhere. The Bill is about banning the importation of endangered species' body parts into this country not only from Africa, but from around the world. I note that my hon. Friend will not press the amendments on the sunset clause, on monitoring and on how the Bill would work in respect of Northern Ireland, but new clause 4 covers many of those concerns.

**Sammy Wilson (East Antrim) (DUP):** I am glad the hon. Member mentions the issue of Northern Ireland. I raised the point in Committee that with EU law applying

in Northern Ireland, the importation of trophies could be done through the Irish Republic into Northern Ireland and then across to Great Britain—a back-door way of circumventing the important provisions of the Bill. What assurances have we had that that back door can be firmly locked so that trophies cannot come through Northern Ireland into the rest of the United Kingdom?

**Henry Smith:** The detailed response to that needs to come from the Minister, not from a simple backwoodsman Back Bencher, but I have had assurances from Ministers that Northern Ireland will not become some sort of back door or stepping stone for the introduction of trophies from endangered species into Great Britain. The Windsor framework, subject of course to its agreement by the House next week, and the United Kingdom Internal Market Act 2020 should cover those concerns, but I defer to the Minister, who will no doubt address that question shortly.

In conclusion, I am happy to support new clause 4 and amendment 1. I am grateful that the other 30 amendments and new clauses will not be pressed. I hope that we can move on to ensure that this legislation protects the most endangered species in the world, and that Britain plays its full part in doing that, and that it can proceed to its next phases both here today and later on in the other place.

**Sir Christopher Chope:** I am grateful to my hon. Friend the Member for Crawley (Henry Smith) for supporting new clause 4. The background to that has been explained—there are diametrically opposed expert opinions on what would be a good hunting trophies ban and what would not be. It is important that the debate should be informed by the facts and the science.

I hope that by accepting new clause 4, we will give some solace to Dr Dilys Rose, the chair of the International Union for Conservation of Nature's sustainable use and livelihoods specialist group, and Professor Adam Hart, a member of that specialist group. They wrote to my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs on 22 February, setting out their concerns for the Bill and the risk of the United Kingdom Government ignoring the scientific evidence and actively harming conservation globally. They said that for the sake of wildlife all over the world, now it is time to listen to quieter, more informed voices. Setting up such an advisory panel will facilitate that. I am delighted that the Government have indicated that they will support that.

There is agreement about the objectives but not the means by which those objectives should be achieved. The objective is to protect endangered species and encourage their revival. We have made a lot of progress today, but I draw attention to my new clause 3. I have made it clear that I will force it to a vote. It would deal with the problem that the Bill fails to deliver in full on the Conservative party manifesto commitment to ban the import of hunting trophies from endangered animals to the United Kingdom. The Bill's title makes it clear that it is limited to prohibiting the import of hunting trophies into Great Britain. Northern Ireland is excluded from its scope, which has prevented me from tabling amendments to extend the Bill to the whole of the United Kingdom.



That aspect of the debate featured in a report on page 14 of yesterday's *Daily Telegraph* and a commentary by Sir Ranulph Fiennes, who asked what was the point of election manifestos if MPs do not vote for what is in them. Eduardo Goncalves, the founder of the Campaign to Ban Trophy Hunting, has said:

"We are aware of trophy hunters from Northern Ireland who are shooting threatened species...and are bringing their heads and bodies back home. This needs to be stopped."

He went on to say:

"Exiting the EU made it possible for the UK to introduce world-beating legislation to ban hunting 'trophies'. It would be a travesty if the Bill were not to apply to the whole of the UK because of unfinished business with Brexit."

Given that Mr Goncalves feels so strongly, it is a pity that he did not criticise the limiting long title of the Bill when it was introduced on 15 June last year. He is, however, correct to highlight that under the Northern Ireland protocol and the proposed Windsor framework, the European Union's single market rules will still apply in Northern Ireland, raising fears that Northern Ireland could become a back door to get the trophies to rich clients in Britain and dodge the ban. He says:

"Hunting trophies could be stopped from entering Northern Ireland overnight with the stroke of a pen...The Secretary of State for Northern Ireland would need only to issue a Ministerial Decree stating he"—

or she—

"will no longer sign import permits".

I would be interested to hear from Ministers in the Department what they think about that suggestion. If it is correct, surely it could also apply to the whole United Kingdom, thereby making this legislation totally redundant.

I ask the Minister to comment specifically on the assertion that France and the Netherlands have used ministerial decrees to ban trophies because single market rules prevented them from legislating. Is that correct? Is it also correct that Belgium and Finland are considering doing the same? Would it be possible for the United Kingdom to do likewise? We try not normally to legislate by decree, although I notice that the President of France is trying to do just that in his own country at the moment.

I am a bit sceptical about what can be done to deal with the problem that the legislation does not apply to the whole United Kingdom. My new clause 3 would therefore require the Government to report on the implications for Northern Ireland of what is happening, so that in due course Parliament will be properly informed as to whether legislative action is needed to address any loopholes or avoidance. I am disappointed that the Government are not prepared to accept the new clause.

I put a challenge to the Government. What solution does the Minister have to the *Daily Telegraph* headline "Brexit loophole allows import of hippo heads and stuffed tigers"? Quite a lot of people will want a clear answer to that question, but I do not think it is forthcoming in the Bill, which applies only to Great Britain and not to Northern Ireland.

I will not go into all my other amendments, but I do think that the compromise that is now emerging should be of some help to our friends in the six African countries that have expressed outrage in their letter to the Government about the implications of the Bill for those countries. In this House we make much of the

importance of soft power. I think we need to start thinking more about what we can do to engage positively with the countries in Africa that abstained in the recent United Nations General Assembly vote calling for Russia's immediate withdrawal from Ukraine: Angola, Namibia, South Africa, Zimbabwe, Mozambique and Uganda.

In my view, we need to work much more closely and positively with the Governments of those countries, instead of letting them think that they are alienated or that we view them as subject to colonial control, which is the essence of the complaint that has been made to the Minister of State, Foreign, Commonwealth and Development Office, the right hon. Member for Sutton Coldfield (Mr Mitchell), and the Foreign Secretary. Let us see whether we can work with those countries, listen to them and try to understand them. We might then find it easier to prevent them from falling into the hands of Chinese and Soviet influence, which they seem to be tempted by at the moment because they are being neglected. This compromise has great potential to improve relations between our country and those countries in southern Africa, based on a better understanding of the need to protect wildlife in a sustainable way that fits in with local economies.

This is an historic day for me, because it looks like the Government will accept one of my amendments. I will not say anything else in case they change their mind.

10.15 am

**Trudy Harrison:** I thank all colleagues, both those who have spoken in today's debate and those who have played their part in making this legislation possible. I particularly thank my hon. Friend the Member for Crawley (Henry Smith), who has demonstrated such diligence, professionalism and courage, because there are strong and credible arguments across this debate.

I will be brief, because we have an awful lot to get through. As I said, I support new clause 4, tabled by my hon. Friend the Member for Christchurch (Sir Christopher Chope). I commend the principle of receiving expert advice on this matter, especially given the credible and variable discussions, and recognising that, in some cases, money from trophy hunting supports conservation. On Third Reading, I will set out what we are currently doing and how we will continue to support countries.

I also support amendment 1, tabled by my hon. Friend the Member for North Herefordshire (Sir Bill Wiggan). In doing so, I stress my support for the internationally agreed system, under CITES, for identifying, listing and protecting species that are endangered, threatened or potentially at risk from international trade, including the trade in hunting trophies. The reference to annexes A and B covers around 6,000 species, among them iconic species that we know are targeted for trophies. Of course, this ban goes beyond CITES, which is the right thing to do and is why we are here.

**Sir Bill Wiggan:** I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

#### New Clause 4

##### ADVISORY BOARD ON HUNTING TROPHIES

"(1) The Secretary of State must appoint an Advisory Board on Hunting Trophies ("Advisory Board")."

(2) The Advisory Board appointed under subsection (1) may have up to three members.

(3) The role of the Advisory Board is to advise the Secretary of State—

- (a) on any question relating to this Act which the Secretary of State may refer to the Committee,
- (b) on any matter relating to the import to Great Britain of hunting trophies derived from species of animal which appear to the Secretary of State to be, or to be likely to become, endangered.

(4) In appointing members of the Advisory Board, the Secretary of State must have regard to their expertise in matters relating to the import of hunting trophies.”—(*Sir Christopher Chope*.)

*Brought up, read the First and Second time, and added to the Bill.*

## Clause 2

ANIMALS TO WHICH THE IMPORT PROHIBITION RELATES

*Amendment made:* 1, page 2, line 6, leave out from “Regulation,” to end of line 20.—(*Sir Bill Wiggin*.)

*This amendment would remove the power of the Secretary of State to vary by statutory instrument the species to which this Act applies.*

*Third Reading*

10.18 am

**Henry Smith:** I beg to move, That the Bill be now read the Third time.

I am extraordinarily grateful to you, Madam Deputy Speaker, and to all hon. and right hon. Members who have been present today to ensure that we support the conservation of some of the world’s most endangered species—not only iconic species from Africa, such as lions, giraffes and rhinoceroses, but those from other parts of the world, such as polar bears in North America. To be clear, the territorial extent of this Bill is Great Britain. It is about disallowing the importation of the hunted body parts of endangered species.

**Sir Mike Penning** (Hemel Hempstead) (Con): As my hon. Friend knows, I support the Bill, and it is great news that it will be passed today with so much support. His point is critical, as there has been a lot of false information. This Bill is about our territorial rules. It is not about telling other countries what to do, and it is not colonial. It is saying what we will allow into our country; it is entirely up to other countries what they want to do. This is about us and this House.

**Henry Smith:** I am grateful to my right hon. Friend for his intervention, and he anticipates some of the remarks I was about to make. This Bill is about the values we in Britain have: we do not want to be part of a trade in the body parts of endangered species. We are not telling other countries how to run their trade, conservation or hunting policies, although we may have a range of personal opinions on that. It is important to remember that. This is about those CITES appendices I and II species, almost 6,000 species of flora and fauna, that are endangered. We hope that this legislation, when enacted, can play a part in conserving them.

**Sir Greg Knight** (East Yorkshire) (Con): My hon. Friend has been generous in allowing amendments to the Bill. Has he received any assurances from my hon.

Friends the Members for Christchurch (Sir Christopher Chope) and for North Herefordshire (Sir Bill Wiggin) that, as he has accepted the amendments, they will not divide the House on Third Reading? As he knows, I support the Bill and hope it goes through without a Division.

**Henry Smith:** I sincerely hope that that is the case.

**Sir Bill Wiggin:** I love the way the House is listening carefully to this debate. I can confirm that there is no need to divide the House. This measure is a manifesto commitment and we are fulfilling it. We have improved the Bill and I am tremendously grateful to the Government for their help.

**Henry Smith:** I am grateful to my hon. Friend for that contribution. He rightly says that this legislation is a manifesto commitment. Indeed, it is one that all major parties in this House have signed up to, and that is an important point to stress. I sincerely hope that the other place will hear what this elected House has said on this legislation.

**Jeremy Corbyn** (Islington North) (Ind): I congratulate the hon. Gentleman on the work he has done to get the Bill thus far and I hope it goes through today. Perhaps he will join the rest of us in congratulating those many campaigners all around the country who have worked so hard to draw attention to the issue of trophy hunting and ensure that we have such a good attendance here today. That in itself becomes an education to people, in understanding that we can play our part in the conservation of beautiful and endangered species by passing this Bill today.

**Henry Smith:** I am grateful to the right hon. Gentleman for his contribution. He is right to say that a clear majority of people in this country—opinion polls show between 80% and 90% support—want to see this legislation go through. The people of this country care passionately about conservation and the environment, and protecting endangered species. It has taken a long campaign by many people, from many different backgrounds, to ensure that this legislation has come before Parliament. I reiterate my hope that that will be heard across Central Lobby, in the other place, when this legislation leaves this House later this morning, as we hope it will, and goes there for consideration, because time is of the essence to help protect endangered species.

There are many excellent private Members’ Bills before the House today, so I do not want to take any more time and delay them. I am grateful to everyone who has supported this legislation—

**Christina Rees** (Neath) (Ind) *rose*—

**Henry Smith:** Just in time—

**Christina Rees:** Timing is everything in life. Will the hon. Gentleman join me in commending Eduardo Goncalves for founding the Campaign to Ban Trophy Hunting and revealing the sordid world of killing sentient animals for entertainment? There is massive support in my constituency for the Bill and I congratulate the hon. Gentleman on introducing it.

**Henry Smith:** I am grateful for that message of congratulations and for highlighting Eduardo and the campaign efforts he has led for so many years to achieve this conservation effort.

**Bob Stewart:** I have a quick point to make. I find it distasteful to have heads on walls, but I believe those heads that are already on walls and rugs that are already down are not affected by this Bill at all.

**Henry Smith:** This legislation takes effect from when it is passed and receives Royal Assent; it is not retrospective in that sense. With that, I ask Members to support the Bill on Third Reading.

10.24 am

**Sammy Wilson:** I wish to make only a brief speech. My party is totally committed to the Bill. In fact, I was pleased to be a sponsor and to have served on the Committee. My one disappointment is that, because of the Government's existing arrangements with the EU—past and future EU law will apply to Northern Ireland and Northern Ireland remains part of the EU single market—this Bill cannot apply to Northern Ireland. That means that those who wish to go trophy hunting and reside in Northern Ireland can bring their trophies back. To be part of the United Kingdom, but yet to find a law which, although supported by more than 86% of the UK population, cannot apply in one part of the UK is an offence; it is offensive to me and it is offensive to many of my constituents who wrote to me asking me to support this legislation.

Secondly, there is a danger. The fact is that UK law cannot apply in part of the United Kingdom. The stark reality is that, as a result of Northern Ireland remaining part of the EU single market and EU law still applying there, Northern Ireland could become a backdoor for those who wish to circumvent this legislation. People could bring their trophies into Northern Ireland and, because there is frictionless trade from Northern Ireland to GB, could then take them into Great Britain. I would like to hear from the Minister on this matter, which was raised in Committee. I understand that the promoter of the Bill was not able to provide an answer on this, because it is a matter that the Minister should have been addressing. I would like to have an assurance on this. My preference of course is that Northern Ireland's position within the United Kingdom is fully restored, by neither the protocol nor the Windsor framework. In the absence of that, I would like to hear from the Minister what steps she intends to take to ensure that this very important, well-supported, worthwhile piece of legislation cannot be circumvented because we have left part of the United Kingdom half in the European Union.

10.27 am

**Anthony Browne:** I wish to put on record my strong support for the Bill. As a former environment editor of *The Observer* and of *The Times*, I have written a lot about the conservation of African endangered species, and, as a private individual, I have seen them a lot in the wild. I can absolutely confirm that the charismatic megafauna of Africa are one of the true glories of our planet, and conserving the endangered species there is one of the greatest challenges that we face as a planet.

Whatever the arguments about trophy hunting—whether or not it provides money for conservation—it surely cannot be right that protecting these endangered species relies on allowing rich people to kill them. That is not a long-term sustainable solution. I urge the Government, working with international partners, to do all that they can to ensure that conservation efforts across African countries and other areas where there are endangered animals are properly funded and are not reliant on rich people killing endangered animals.

10.28 am

**Margaret Ferrier** (Rutherglen and Hamilton West) (Ind): I am pleased to see the Bill return to the Chamber for its final Commons hurdle. The hon. Member for Crawley (Henry Smith) has done an outstanding job and is a dedicated advocate for the cause. I wish to thank organisations and individuals for their continued work on the campaign to see the Bill pass, and for the briefings that they have provided.

I have been disappointed to see the persistent lobbying from certain interest groups against this legislation, often intentionally based on misinformation and on hiding behind the transparent and false veil of conservation. I spoke in some detail on Second Reading about the misrepresentation of those purporting to be conservationists and I do not wish to repeat myself today. However, it does not take much scratching at the surface to see that what many of these lobbyists are looking for is the conservation of hunting for sport, rather than anything environmental. When we look at who is funding their deeply biased works, it becomes all the clearer.

On Second Reading, I argued that trophy hunting was an ugly relic of the colonial era. Let me now add that trophy hunting and poaching are, in fact, illegal for locals in these countries. It is ironic that those who seek to protect the highly profitable western white trophy hunting tourist industry might find themselves under the spotlight of that very same colonial accusation. In that context, I pay tribute to a man who has seen at first hand the positive impact of hunting bans to protect his country's beautiful wildlife: the former president of Botswana, Ian Khama. He has urged Members to support the Bill today,

“to halt the reckless, cruel destruction of nature's wildlife by nature's enemies”.

I would further add that the UK Government and, more important, the UK public have every right to decide that they do not want these macabre, mangled animal body parts to enter the country or to circulate here for profit. Preventing that is what the Bill will ultimately achieve. As we have heard, it will not change the law in other countries, or outlaw hunting there. Polling has shown unequivocally that the British public, including many of my constituents, support an outright ban on trophy imports, and do not support proposals for a partial ban or “smart bans”.

In 2020, the Government consulted on banning the import of hunting trophies. Their subsequent policy statement said:

“Within the consultation, we asked whether exemptions should be considered, for example for conservation reasons. We note the strength of sentiment from those who did not support exemptions, and there will be no exemptions for hunting trophies from species in scope of the ban.”



[Margaret Ferrier]

It is clear that some of the exemptions that some Members were trying to include in the Bill were not in keeping with public feeling—the public feeling that the Government were able to test through public consultation. It is also clear that including any exemptions to a ban would undermine the very purpose of the legislation. Where we allow loopholes to exist, we also allow people to find ways of exploiting them.

I think it is fair to say that participants in this “sport” come from one main demographic—rich white men, and sometimes rich white women—and it is those in that same demographic whom the proceeds benefit. They are seeking to protect their financial interests at the cost of the existence of some of the world’s most beautiful animals, the conservation of natural resources of wildlife in Africa, and Africa’s communities. I therefore urge all Members on both sides of the House to throw their full support behind the hon. Member for Crawley and his Bill, which is a critical and overdue change for the better.

**Madam Deputy Speaker (Dame Rosie Winterton):** Order. Could everyone who is trying to catch my eye please stand up? It is a bit confusing if only one Member does so.

10.32 am

**Sir Bill Wiggin:** I will keep my comments fairly brief. I was enjoying the debate until the hon. Member for Rutherglen and Hamilton West (Margaret Ferrier) “poked the bear”, so to speak. Let me also say how nice it was to hear from the former leader of the Labour party, the right hon. Member for Islington North (Jeremy Corbyn). We would like to hear more from him, more frequently.

Like the right hon. Gentleman, I am very sensitive about racism, and I spoke out against the Bill because I fundamentally believed that it was a neo-colonial attempt to control the conservation management programmes of African democratic countries. I know that not one of us here today is a racist or has that really nasty streak of wanting to judge people by the colour of their skin, but we must be desperately careful not to signal to emerging countries that we know best.

Representatives from Angola, Botswana, Namibia and Zambia who are involved with conservation activities in KAZA—the Kavango-Zambezi Transfrontier Conservation Area—have asked:

“What right do they have to impose restrictions that will damage our wildlife and our people?”

The UK Government support KAZA through funding, yet ethical hunting is part of the ambitious “five African nations conservation endeavour” to provide habitat and connectivity for wildlife across borders in an area measuring more than 110 million acres, which is double the size of the United Kingdom. The Bill will therefore have a contradictory effect on our policy directed at supporting African conservation efforts, which is why I am so grateful to the Government for accepting new clause 4.

On Second Reading, the UK was described as a world leader in nature conservation, but a global league table of efforts to conserve mega-fauna—large animals—puts pro-hunting Botswana, Namibia and Tanzania first, second and third in the world. In contrast, the UK

is 123rd, so it is important to get this right. Many hon. Members watch David Attenborough on television. He recently described the UK as one of the most nature-depleted countries in the world, so perhaps we should adopt a more humble approach to countries with far more impressive conservation records—rather than insulting Africans, we should be consulting them on the issue.

I am grateful to the Government for recognising that. I am also grateful to my hon. Friend the Member for Crawley (Henry Smith), who passionately cares about animals, as I do. We have to debate our differences of opinion in the Chamber to make sure that everybody comes on that journey to a better future for our children and our planet.

10.34 am

**Mr Mark Francois (Rayleigh and Wickford) (Con):** I rise to support the important Bill of my hon. Friend the Member for Crawley (Henry Smith) to ban United Kingdom imports of trophy hunting trophies. I begin by declaring a personal interest: this was a particular passion of our great friend, the late Sir David Amess. I knew him for more than 20 years in Parliament, although he was elected far earlier than me, on 9 June 1983—coincidentally, as I understand, the same day as my hon. Friend the Member for Christchurch (Sir Christopher Chope). I must confess that I am not an expert on the subject, but I know that my late friend desperately wanted such legislation to pass, so I hope that the House will understand my simple motive for being here.

It is good to be supported in the task by his excellent successor, my hon. Friend the Member for Southend West (Anna Firth), who is in her place beside me. Among those closely watching the debate on this crucial Bill will be members of the Conservative Animal Welfare Foundation, led by its redoubtable founder Mrs Lorraine Platt, who has campaigned tirelessly on this issue and many others related to animal welfare for years. She was also a great friend of Sir David, and I know that she and her organisation will wish the Bill well. It is almost as if he was with us today.

On 2 October 2019, in a Westminster Hall debate on trophy hunting imports, Sir David said:

“I recognise that there is no easy solution; 200,000 endangered animals are put at risk each year, which is an awful lot to deal with. It is so depressing that as soon as someone comes up with an idea to stop trophy hunters, these evil, wicked people get ahead of the game and find some way round the legislation.”

I do not mean to provoke my hon. Friend the Member for North Herefordshire (Sir Bill Wiggin), because he and I came into this place on the same day in 2001, but Sir David went on to say:

“I do not minimise the difficulty the Government face, but I simply cannot comprehend why anyone would pay up to \$72,000 to travel across the world and shoot a beautiful animal. As I have said at business questions, I have seen numerous adverts for trophy hunting, with some companies even advertising price lists by trip length...by animal on offer and by trophy fee. Such adverts should be completely banned from all platforms in the United Kingdom.”—[*Official Report*, 2 October 2019; Vol. 664, c. 345WH.]

I hope that, in this deliberately brief contribution, I have made my point. David was cruelly taken from us in absolutely tragic circumstances, but his memory lives on. He was an amazing champion for animal welfare.



I hope it is not presumptuous, but I am honoured to stand here today perhaps in lieu of him, supported by his worthy successor my hon. Friend the Member for Southend West, to make the case for this vital Bill. If he were here, he would thank her and the entire House for what we are about to do, so I humbly say thank you as well.

10.39 am

**Anna Firth** (Southend West) (Con): I rise also as the Member for Southend West, not only to extend my congratulations to my hon. Friend the Member for Crawley (Henry Smith) for his brilliant leadership in bringing this important Bill to its final stages in the House of Commons, but also to remember the late Sir David Amess's decades-long advocacy on this issue. I thank my right hon. Friend the Member for Rayleigh and Wickford (Mr Francois) for his contribution and what he said about Sir David.

I know Sir David would have supported this Bill and he would have been cheering my hon. Friend the Member for Crawley on at every stage of its passage. It has been my huge honour to support the Bill at every stage, not just in Sir David's honour and legacy, but because it is the right thing to do.

**Christina Rees:** Sir David was very kind to me from the first day I came into Parliament and he encouraged me to work on animal welfare matters. It is very appropriate that Eduardo Gonçalves' latest book, "Saving Sally: Trophy Hunters, Secrets and Lies" is dedicated to the memory of Sir David.

**Anna Firth:** I thank the hon. Lady very much for that contribution, which I will pass on to Lady Amess and the family.

Through this Bill we are asserting that these wonderful, magnificent animals—elephants, lions, rhinos, leopards and so on—some of them on the brink of extinction, are worth so much more than a mere trophy on the mantelpiece. Trophy hunting is a relic of the past. It has no place in modern Britain. We are standing up as one in this House against those who seek to destroy wildlife and asserting our leading role as an advocate for wildlife protection.

10.42 am

**Dean Russell** (Watford) (Con): I will be brief, because I know many hon. Members would have loved to speak in the debate today. I pay tribute to my hon. Friend the Member for Crawley (Henry Smith) for this Bill and to my hon. Friends the Members for North Herefordshire (Sir Bill Wiggin) and for Christchurch (Sir Christopher Chope) for doing something that has enabled this important Bill to safeguard animals to go through. We have seen an outpouring of support for the Bill across the nation, from hon. Members, the Government and the general public. I pay tribute to them all and thank them. I am sure that, like me, many hon. Members have cancelled constituency events to be here to support the Bill; I support it wholeheartedly and I thank the House for supporting it too.

**Madam Deputy Speaker (Dame Rosie Winterton):** I call the shadow Minister.

10.43 am

**Alex Sobel** (Leeds North West) (Lab/Co-op): It is a real pleasure to be able to speak so soon in this debate—I am not sure we thought we would get here so quickly, but I am pleased that we have. The Labour party is strongly committed to a ban on hunting trophy imports, reflected by the number of colleagues here on a Friday—and on all sides of the House, in fact. It was a manifesto commitment of ours in the last election and I am delighted to say that we shall support the Bill today.

I pay tribute to the late Labour MP for Waveney, Bob Blizzard, who was one of the founders of the campaign to ban trophy hunting. This Bill is part of his legacy. I thank his partner Jane Evans and his friend Eduardo Gonçalves, who have worked tirelessly on the campaign and have been a particular help to me. I also echo Members across the House in their tribute to Sir David Amess and his work on this matter.

Like the hon. Member for Crawley (Henry Smith) and people across the country, I was shocked and horrified at the killing of Cecil the lion by an American trophy hunter in 2015 and at the needlessly cruel manner in which Cecil died. He had been left to drown in his own lung blood, simply because the hunter wanted to win a special prize for shooting a lion with a bow and arrow. However, I was even more shocked and horrified to learn that, since 2015, British trophy hunters have brought more than 100 trophies of lions from Africa into the UK. Indeed, what British hunters are doing is arguably worse than what Cecil suffered, because he lived in the wild in Zimbabwe and was 13 when he was killed; some British trophy hunters, on the other hand, fly to Africa where they shoot tame lions that have been hand-reared since they were born merely to become a hunter's trophy.

It turns out that lions are not the only African animals British hunters are shooting: they are shooting as trophies many other threatened species in Africa and around the world, and all this has happened since 2015, the year when the world supposedly woke up to the horror of trophy hunting—the year when we all thought the killing of Cecil would bring us to our senses and put an end to this horror story once and for all.

How wrong we were. We consider ourselves a nation of animal lovers, and rightly so. However, the things British trophy hunters do should shame us all. Here are the prizes that just one British trophy hunter has won from Safari Club International: the hunting achievement diamond award, for shooting animals from 125 different species; the animals of Africa gold award, for shooting at least 61 different African animals; and the global hunting gold award, for shooting 50 different animals on five different continents. The British hunter in question has gone on to win over 30 more of these awards.

Safari Club International, which handed out those prizes, has a branch in Britain. It has been actively working to undermine and block the Bill that we are considering today. It has spent over £1 million on a disinformation campaign—other Members have mentioned that. Investigations by the *Washington Post* revealed it to be the work of an ally of Donald Trump who was revealed to have set up a number of fake news groups to promote extreme right-wing causes and who tried to create an astroturf campaign.

*[Alex Sobel]*

10.48 am

Africans are as shocked and horrified at trophy hunting as we are. They are vehemently opposed to people jetting in from around the world to wipe out their wildlife and natural heritage for so-called “sport”. A very recent poll in South Africa, the hub of the African trophy hunting industry, showed that, even there, fully 68% of people are against trophy hunting.

Many of us recently received a letter from the former President of Botswana, Seretse Khama Ian Khama, who banned all trophy hunting in his country. He told us how banning trophy hunting not only benefited threatened species such as elephants—Botswana is now home to one third of all of Africa’s elephants—but brought prosperity to local communities, created more jobs and opportunities for local people and improved living conditions through investment in photo-safaris instead.

The example of Kenya, which banned trophy hunting in the 1970s, should be applauded and encouraged. While lion, elephant and rhino populations are falling throughout much of Africa, their numbers are all increasing in Kenya. It is of economic benefit to the people as well. Just compare the conditions of the Kenyan Maasai with those of neighbouring Tanzania, where trophy hunting is still legal; 20,000 Tanzanian Maasai are homeless due to land clearance.

It is time to act. We can say that it is wrong for British people to kill animals for pleasure and mementoes. We can set an example. Writer and poet Benjamin Zephaniah perhaps put it best when he said:

“We human beings have a responsibility to look after this planet and its animals. We need to put trophy hunting in the dustbin of history, alongside the slave trade, female infanticide, and witch-hunting.”

**John Spellar** (Warley) (Lab): Will my hon. Friend give way?

**Alex Sobel:** It is a pleasure to give way.

**John Spellar:** I welcome the passage of this Bill, not least because I will not have to move my own Bill next Friday. However, is there a danger that we might be slightly complacent, given how far advanced we are in the parliamentary calendar? The Bill will pass with overwhelming support in this House. The question is whether some of those elements my hon. Friend has been describing may try to exercise delay in the other House. Has he sought any assurances from the Minister that the Government will ensure that that does not happen and that, if necessary, they will provide extra parliamentary time?

**Alex Sobel:** I thank my right hon. Friend for his intervention. I have had fruitful discussions with the Minister, who I am sure will respond to his point when she speaks, but I know the Government are as keen as we are to see this Bill on the statute book: there is no division between our parties on this.

I will conclude by finishing my quote from Benjamin Zephaniah:

“Let’s support the Hunting Trophies (Import Prohibition) Bill.”

I hope we can get this Bill through shortly.

**Trudy Harrison:** I thank all Members who have contributed to the debate, and I also thank those Members who, sadly, are not able to contribute to the debate but have been instrumental in enabling this day to happen. In particular, I refer to our hon. Friend the former Member for Southend West. He was taken far too soon, and his contribution to this place was more than many of us will ever make; my right hon. Friend the Member for Rayleigh and Wickford (Mr Francois) set that out eloquently. The former Member for Waveney also cannot be here to debate a subject that was so important to him. And, dare I say it, Cecil the lion has not died in vain. It is an emotional day for all of us, for many reasons, but I am pleased to be here to support the Bill, and I pay tribute to my hon. Friend the Member for Crawley (Henry Smith) once again for his efforts in getting it to what is nearly the final stage.

The right hon. Member for Warley (John Spellar) raised his concern, and I cannot say it is not also my concern. I want this Bill to pass through the other place, as I know other Members here today do. I am grateful for the meeting I had this morning with the hon. Members for Oldham West and Royton (Jim McMahon) and for Leeds North West (Alex Sobel) to discuss how that might be possible, because it is of such significance to all parties across the House.

**John Spellar:** It looks as though we have more time in the parliamentary calendar running up to the autumn, but can the Government send a clear message to any who might be tempted to cause disruption and delay in the other place, to ensure that there is sufficient parliamentary time for this measure to go through in this Session?

**Trudy Harrison:** The right hon. Gentleman invites me to make promises on timings that I simply cannot make. However, some of the concerns that have been raised today and that will be raised in the other place relate to how we will support the countries affected by this ban on the import of trophies, so I would like to briefly set out the work the Government are undertaking. It includes £90 million for the Darwin initiative and Darwin Plus, to address biodiversity challenges and support local communities; £30 million for action on illegal wildlife trade; and the £100 million biodiverse landscapes fund, to work across six landscapes to protect and restore critical terrestrial ecosystems.

I do recognise that some of the income from trophy hunting has contributed to the protection of habitat and the prevention of poaching, but bringing in the body parts of endangered species, as clearly set out in CITES I and II lists, is not the way forward. This Government recognise that, and this country recognises that, and I am clear that it is time for change. It is what the public expect, and we know that because over 85% of respondents to the consultation made it clear, but this will remain controversial. That is why we were willing to accept new clause 4, tabled by my hon. Friend the Member for Christchurch (Sir Christopher Chope), which will set up an advisory board to the Government, and to respect the work that CITES does internationally, which is why we were willing to accept amendment 1, tabled by my hon. Friend the Member for North Herefordshire (Sir Bill Wiggin).

**George Eustice** (Camborne and Redruth) (Con): Will the Minister give way?

**Trudy Harrison:** I will of course give way to my esteemed colleague.

**George Eustice:** My hon. Friend makes an important point. There is cross-party support for the Bill, with Members on both sides of the House wanting it to proceed well in the other place. Does she agree that, now that this concession has been made—a generous concession, I might add—to curtail significantly the regulation-making powers in clause 2, there is nothing for their lordships to object to? Normally, they object to so-called Henry VIII powers, but those have been completely removed, so it should be possible to expedite the progress of the Bill in the other place.

**Trudy Harrison:** My right hon. Friend is correct. We have accepted this amendment because we want the Bill to progress in not only the Commons but the Lords.

The import ban will cover all species listed in annexes A and B of the wildlife trade regulations, broadly aligned with appendices 1 and 2 of CITES. That extends to around 6,000 species, including those mentioned in the House.

I take the opportunity to recognise again the concerns that have been raised about Northern Ireland, and the risk, referred to by my right hon. Friend the Member for East Antrim (Sammy Wilson), that Northern Ireland would become a backdoor. He queried how we would make progress and clearly set out that he very much wants to be part of the UK. Let me reassure the House that we will do everything we possibly can to ensure that Northern Ireland will not be a backdoor for so-called trophies from endangered species to enter Scotland, England or Wales. Northern Ireland will not be a stepping stone for imports to Great Britain.

In Committee, we discussed the workings of the Bill, and how it operated alongside the Northern Ireland protocol and the UK internal market. Since then, the Government have published the Windsor framework.

**Sammy Wilson:** I hope that I made it clear that my concern is not only that Northern Ireland could become a backdoor, but that it would be exempt from the legislation so people who engage in trophy hunting could operate freely in Northern Ireland. The Northern Ireland protocol does not stop it and the Windsor framework does not stop it. Can the Minister give us an assurance that the Government will take action to stop imports coming into Northern Ireland—full stop—just as they would be banned from the rest of the United Kingdom?

**Trudy Harrison:** I would like to put on record that our current controls on imports will continue to apply to Northern Ireland, under the current CITES controls, in line with the Northern Ireland protocol and the Windsor framework. We will continue to scrutinise import permit applications carefully, ensuring that they will not be moved onwards. Movements of hunting trophies from Northern Ireland to Great Britain will be subject to the import ban, unless they are qualifying

Northern Ireland goods, in line with the United Kingdom Internal Market Act 2020. But we will continue to review this and continue to work with my right hon. Friend as we make progress.

**Sammy Wilson:** The Minister says that the Government will seek to do this using the CITES legislation. If that were the case, there would be no need for the Bill. The Bill is required because additional action is needed to stop people going and cruelly hunting down animals in other parts of the world and bringing them back as trophies to the United Kingdom. I want to know how the Minister intends to ensure that Northern Ireland trophy hunters do not have licence that they do not have in other parts of the United Kingdom.

**Trudy Harrison:** My right hon. Friend makes a convincing point, but it should be recognised that this is a Brexit opportunity. We would not be able to make this progress across Great Britain if we were still in the European Union. It is not ideal; I would be the first person to state that clearly. We want to make further progress. We will make further progress, I am sure. I will continue to meet with those in Northern Ireland, as will my officials.

**Sir Christopher Chope:** Does the Minister accept that, apparently, the Netherlands, despite being within the European Union, has imposed a complete ban on trophy imports? If the Netherlands can do it, why can it not be done in respect of Northern Ireland?

**Trudy Harrison:** Madam Deputy Speaker, you will excuse me from being drawn into that wider argument. To return to the crux of this debate, since the Bill Committee, we have published the environmental improvement plan, setting out our goal in the UK, across our country, to see thriving plants and wildlife, and how we are going to achieve that. The UK is supporting other countries to take action, working together with a shared commitment to halt and reverse biodiversity loss by 2030, as we agreed at the UN nature summit COP15 in Montreal last year.

I know that we want to get a great many other Bills through today, so I will close. I thank and commend my hon. Friend the Member for Crawley for his relentless determination. I thank other Members from across the House, particularly the hon. Member for Neath (Christina Rees). She and I have met and I know that she feels passionately about this subject, and I was pleased to work with her. I thank my hon. Friends on the Front Bench, who have worked collegiately to ensure that this House passes the Bill—I am incredibly grateful for that. I am pleased that Members have contributed not just today but previously.

We are sending to the rest of the world the strong message that we in this country demonstrate where we can our support for endangered species across the world, as set out in CITES, and we do not accept their body parts being used as so-called trophies to be brought back into this country.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*



## Child Support (Enforcement) Bill

*Bill, not amended in the Public Bill Committee, considered.  
Third Reading*

11.1 am

**Katherine Fletcher** (South Ribble) (Con): I beg to move, That the Bill be now read the Third time.

This Bill is an important measure designed to improve the recovery of arrears from parents who have failed to meet their financial obligation to pay child maintenance. It will help to ensure that the Child Maintenance Service continues to deliver a modern, efficient and reliable service that parents can have confidence in. The Bill plays an important part in that by getting money to more children faster to enhance their life outcomes.

I think that it is important that I offer my sincere gratitude to my hon. Friend the Member for Stroud (Siobhan Baillie), who, owing to her rock-solid commitment to her constituents, cannot be here today. It is an honour to pick up on her hard work introducing the Bill, leading Second Reading and shepherding the Committee. I am proud to be able to bring the Bill before the House again, and I am delighted that it has such received such excellent support from the Government thus far.

My thanks must go to the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Mid Sussex (Mims Davies), for her work on Second Reading and in Committee. I am also most grateful to the Minister for Disabled People, Health and Work, my hon. Friend the Member for Corby (Tom Pursglove), whom I thank profusely for his support. The cross-party support throughout the Bill's passage has also been extremely welcome, and I hope that it will continue.

For the benefit of those who were not present for the Bill's previous stages, I will give a brief recap of its policy background and purpose. The purpose of the Child Maintenance Service is to facilitate the payment of child maintenance between separated parents who are unable to reach their own family-based agreement following separation. Once parents are in the system, the CMS manages child maintenance cases through one of two service types: direct pay or collect and pay. For direct pay, the CMS provides a calculation and a payment schedule, but the payments are arranged privately between the two parents. For collect and pay, the CMS calculates how much maintenance should be paid, collects the money from the paying parent and pays it to the receiving parent.

Collect and pay cases tend to involve parents for whom a more collaborative arrangement has failed or has not been possible to achieve, so paying parents in collect and pay arrangements are considered less likely to meet their payment responsibilities. We all know the difference that child maintenance payments can make to children's lives—they can be critical—so it is absolutely vital that the Child Maintenance Service take action to tackle payment breakdowns at the earliest opportunity to re-establish compliance and collect unpaid amounts as quickly as possible. Where compliance is not achieved and the parent is employed, the CMS will attempt to deduct maintenance, including any arrears, directly from their earnings. Employers are obliged by law to co-operate with that action.

I know how much these matters can affect families, including children such as Caleb and Isa.

**Dean Russell** (Watford) (Con): I support the Bill and the work that has been done to make it happen. Does my hon. Friend agree that it will make a massive difference for many families across the country? Many people, including my constituents in Watford who come to my surgeries to ask about this topic, will welcome the Bill, and I hope that other colleagues will support it in its passage through the House.

**Katherine Fletcher:** My hon. Friend is correct, as usual. Many hon. Members see people in surgeries and through casework with difficulties in accessing the vital childcare payments that help to support a child. Many people are dealing with delays, like Louise from Buckshaw in my constituency. This is an important piece of legislation.

Let me explain how the Bill will speed things up. CMS enforcement powers also allow for deductions to be taken directly from bank accounts, including joint and business accounts should somebody be self-employed, either in a lump sum or as a regular amount. That is a useful power when the parent is self-employed and taking deductions from PAYE earnings is not possible. When such powers prove inappropriate or ineffective under current legislation, the CMS must apply to magistrates or sheriffs courts to obtain a liability order before the use of further enforcement powers such as instructing enforcement agents or sheriff officers or even more stringent, court-based enforcement actions, such as forcing the sale of property, disqualification from driving, holding a UK passport, or even potentially commitment to prison for not paying child maintenance.

The Bill would amend uncommenced primary legislation—laws that have been previously passed—to enable the Department for Work and Pensions to take further enforcement action without the need to apply to a magistrates or sheriffs court. Instead, it would allow the Secretary of State to make an administrative liability order. This power, once enacted, would allow enforcement measures to be used more quickly against parents who have failed to meet their obligation, reducing administrative steps and therefore speeding up the process. While getting child maintenance to our children more quickly has to be of primary importance in introducing this power, it is also important that the Bill does not simply allow the CMS to forge ahead with its most invasive and stringent enforcement measures without some protections for paying parents who would potentially be subject to the liability orders.

With that in mind, the Bill and any regulations developed in support of it, would ensure that those important protections are in place. They will provide an assurance that these new administrative enforcement measures are appropriately considered before an administrative liability order is imposed. Using a process similar to this has worked well in respect of administratively authorised deductions from bank accounts over a number of years. This provision further clarifies the picture. Those protections will also ensure the paying parent has a right of appeal to a court by setting out in secondary legislation: the period within which the right of appeal may be exercised; the powers of the court in respect of those appeals; and for a liability order not to come into force in specified circumstances.



It is important to reiterate that the provisions being introduced in the Bill and the supporting regulations will not place any additional or unreasonable constraints on a parent's ability to seek an appeal, while allowing the CMS to move swiftly and appropriately to enforcement measures, reducing what is at the moment primarily an administrative step.

As I hope I have made clear, the Bill is important to ensure that the Child Maintenance Service can make essential improvements to processes of enforcement and get money to children more quickly. I hope that we can all agree that this is an uncontentious measure that is worthy of support today, and I look forward to its making progress in the other place.

11.9 am

**Margaret Ferrier** (Rutherglen and Hamilton West) (Ind): I congratulate the hon. Member for Stroud (Siobhan Baillie) on her hard work in seeing the Bill through to its final stages. I was honoured to be on the Bill Committee a couple of weeks ago, and she already knows that it has my full support. The hon. Member for South Ribble (Katherine Fletcher) has been a very able proxy for her today.

In my office we are no stranger to cases related to the Child Maintenance Service. They are some of the most frustrating cases, because they often come down to exactly the same problem, which drags on for years and is nigh-on impossible to resolve: non-custodial parents who are not keeping up with their financial responsibilities to their child and are intentionally avoiding making payment to the receiving parent.

The CMS technically already has the power to take further action where non-compliance has become a persistent issue. However, I know from my casework that it is not that straightforward. It will often require a court order. Waiting for the case to make its way through the already overburdened legal system can feel endless—and that is when the CMS actually investigates the more serious cases. I have seen far too many that have not reached the enforcement stage that they should have reached months or even years before.

I have a case open in which a non-compliant parent was investigated and a court date was set, but they never showed up. The sheriff issued a warrant for their apprehension in September last year, but the letter I received from the CMS just last week mentions that only in passing; it does not seem to have been followed up since then. For someone like my constituent, the Bill could really make a difference. I have seen CMS statements showing the child support that my constituents are owed. Sometimes the arrears have crept up into the thousands: one constituent was owed £10,000, but no enforcement action had been taken despite her pleas.

Another serious issue that is allowed to continue while payments are not enforced is the re-victimisation of survivors of coercive control, domestic violence and economic abuse. Too many women have reported how their ex-partner has been allowed to continue to exert their control and abuse them by exploiting the system. That cannot be allowed to happen: there must be consequences for it.

I do not want to derail the debate by going into all the systemic issues with the CMS and the real need for its reform, but it is so important that we all remember who

loses out when support is not paid. Too many people look just at the often fraught relationship between two ex-partners, but it is the children who are losing out. It is the children who are living in financial difficulties when they might not need to—innocent children who have absolutely nothing to do with their parents' quarrels.

That is particularly true in the current economic climate, with all the difficulties that the cost of living crisis and rising inflation are presenting to households across the United Kingdom. The number of children living in poverty in this country is already unacceptably high, yet research shows that if maintenance were being paid in full just in cases in which the custodial parent is currently receiving no financial support from the non-resident parent, it would lift 60% of those children out of poverty.

The Bill will not fix all the problems at the CMS. It is the job of the Government to understand the root cause of the problems and legislate to fix them, but the Bill will make a real, tangible change for a lot of single-parent families. I am delighted to be here today to watch the Bill tabled by the hon. Member for Stroud get ever closer to making that difference.

11.13 am

**Nickie Aiken** (Cities of London and Westminster) (Con): I congratulate my hon. Friend the Member for Stroud (Siobhan Baillie) on introducing such an excellent Bill, and my hon. Friend the Member for South Ribble (Katherine Fletcher) on supporting its final stages in this House. It is a brilliant example of MPs working together to make brilliant legislation.

My hon. Friend the Member for Stroud has been an extremely doughty campaigner in this field of policy. The scene has been set for the Bill for more than the past decade. It is important that we recognise the work that the Government have been doing to improve the child maintenance system, from introducing the 24/7 digital service to supporting those who are trying to decide what arrangements are most suitable for their situation, and increasing the number of referrals to enforcement agents. The Bill adds to that work.

The CMS is a vital service that makes a huge difference to families who have separated. That said, the improvements in the Bill are welcome. We saw an excellent example of improvements recently in the Child Support Collection (Domestic Abuse) Bill of my hon. Friend the Member for Hastings and Rye (Sally-Ann Hart), which I was glad to support just a couple of Fridays ago.

I am sure that I am not alone in the Chamber in regularly reading in my postbag about parents who use the CMS. I am always taken aback when I get the emails or correspondence from a constituent who is having problems getting a former partner to pay for child maintenance. They have an agreement; they have been through the courts, have separated legally and have maintenance support in place, but the partner not living with the child is not paying. It has always struck me when, no matter what arguments or problems adults may have in the former relationship, the parent who is supposed to pay for the child refuses to do so. It is the child who loses out and is probably not having a the relationship with the partner not living in the household, which adds to the further pain of a broken relationship between parent and child. I hope that the Bill may go

[Nickie Aiken]

some way to improving the situation between a child and a parent who does not live with them, no matter what the relationship with their former partner.

Some 3 million children across the country live in separated families, and 60% of those families have a child maintenance arrangement. That adds up to £2.4 billion a year in child maintenance payments. For the most part, the transactions are regular and reliable. However, in some cases—as we have heard, it is always the acute cases that Members of Parliament are aware of—regular child support maintenance payments are not forthcoming. For that reason I am pleased that the Bill improves enforcement measures against parents who have failed to meet their obligations. It is a sad state of affairs that we have to legislate to enforce parents paying for their children's maintenance, but for the minority of cases, needs must. That is why I commend my hon. Friends the Members for Stroud and for South Ribble for introducing the Bill.

Sadly, the pandemic added to enforcement delays for failed payments. It has had so many knock-on effects for us as individuals and as a society. Most of that was down to existing technical or capacity issues, be that complications with liability orders or streamlining who can facilitate enforcement. The Bill could come at no better time. Improving enforcement measures and strengthening the CMS will have a huge impact on ensuring that payments are collected in a timely manner. Clause 2 is so important because it grants the Secretary of State greater powers to intervene without the need to apply to the magistrates or sheriff court, and to ensure that CMS disputes are resolved in a timely manner. We cannot expect a child and the parent who they are living with to have to wait for the money to come through. In a cost of living crisis, that money can make a huge difference to a child's wellbeing.

Replacing the existing requirement under section 33 of the Child Support Act 1991, the Secretary of State will be able to apply to the courts for a liability order. That will go a long way to reducing the backlog of cases and is very welcome. Likewise, there are clauses that speak to a parent's right of appeal and steps to ensure that a lack of payment does not become an increased driver of child poverty. Much of the Bill deals with the way in which child support payments are recovered in cases in which arrears have accumulated.

I have no doubt that the Bill will be welcomed by hundreds of thousands of families up and down the country who have to go through the CMS. Therefore, it is essential that we press forward with the sensible, thoughtful and practical reform that it provides. I look forward to seeing the legislation on the statute book shortly.

11.19 am

**Simon Baynes** (Clwyd South) (Con): It gives me great pleasure to speak in this morning's debate, and I am very grateful to my hon. Friends the Members for South Ribble (Katherine Fletcher) and for Stroud (Siobhan Baillie) for bringing this Bill before the House. I will first look for a moment at the Government's record on improving child maintenance services, which I will comment on briefly before coming back to the Bill, because that will perhaps set it in more context.

Some 64% of paying parents using the collect and pay service paid some of their scheduled child maintenance in the quarter ending September 2022, an increase from 60% in the quarter ending March 2018, so there has been an improvement. Over the past 12 months, the Child Maintenance Service has arranged over £1 billion in child maintenance payments. The majority of applications are now made digitally, making it even easier for parents to access support for their children. The upgraded online account, "My Child Maintenance Case", allows customers to access and maintain data for themselves. An increasing number of changes of circumstance can also be reported, and the 24/7 digital service "Get help arranging child maintenance" makes the CMS more accessible for customers deciding what type of arrangement is most suitable for them.

I am pleased that the CMS has brought forward the point at which deductions from bank accounts can be made. It is now making better use of deductions from earnings orders so that they can be set up much more quickly, reducing the time required to process those payments. In 2021-22, the Government made more referrals to enforcement agents than in any other year, and the number of liability orders applied for each year is now back to pre-pandemic levels. My final point in this section is that the CMS works with other Government Departments to improve the use of enforcement powers and explore the possibility of introducing new powers for cases in which people are wanton. That is the context in which I would now like to comment on my support for the Bill that is before the House.

The key points of the Bill are that where the DWP agrees that a person has failed to pay an amount of child support maintenance, and a deduction from earnings has not been possible or is not appropriate, the Bill will enable the DWP to make a liability order in respect of that amount against the person, rather than going first to the courts. The person against whom the liability order is made has the right to appeal to a court against the making of that order, but the amount of child support maintenance cited in the order cannot be challenged. Currently, the Child Maintenance Service aims to recover arrears from the non-resident parent—alternatively, the paying parent—within two years, and expects them to pay up to 40% of their income to clear their arrears.

As my hon. Friends, and indeed the hon. Member for Rutherglen and Hamilton West (Margaret Ferrier), have commented this morning, the delays that currently exist cause huge problems for families. I have seen that very much from the emails and pleas for help that I have received from my constituents in Clwyd South, many of whom are involved in the receipt of child maintenance services. Therefore, it gives me great pleasure to support this Bill, which will be of considerable help to not only my constituents but many other people across the UK. Like many of the Bills that we discuss on sitting Fridays, it seems to me that this one will make a really important change to legislation that will be of huge benefit to many people across the country.

11.23 am

**Chris Clarkson** (Heywood and Middleton) (Con): Happy St Patrick's Day, Madam Deputy Speaker. It is a pleasure to follow my hon. Friend the Member for Clwyd South (Simon Baynes), and I put on record my

thanks to my hon. Friend the Member for Stroud (Siobhan Baillie) for initially tabling the Bill, and to my hon. Friend the Member for South Ribble (Katherine Fletcher) for being Manchester's top hon. Member for Stroud tribute act. As everybody knows, she has a clear and consistent record on this subject, and it is very good of her to step in on behalf of our colleague, who—as she says—is committed to something else in her constituency, but dearly wanted to be here.

I also put on record my thanks to the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Mid Sussex (Mims Davies), and the Minister for Disabled People, Health and Work, my hon. Friend the Member for Corby (Tom Pursglove), for the work that they have done on this Bill. We often consider important Bills on sitting Fridays, but we do not see all the work behind the scenes to make them into functioning legislation after the Government decide to back them. It is a tribute to the Ministers that they got this Bill into good order.

It is a privilege to speak on this Bill because it addresses some of the key gaps in the current child maintenance collection system. I was recently asked whether I had a special interest in this area, and it will come as a shock to no one in the Chamber that I do not have children—my biological clock is ticking—but I am a child of divorced parents. I am very lucky, as my parents are happily divorced. They like each other much more now they are not married. There was never any acrimony in that relationship, but the truth is that around half of marriages now end in divorce, and some of them do not end in the best circumstances.

Although we rely on the best human behaviour for parents to come to an amicable arrangement, and many can do that, there will be instances in which it simply is not possible. With the best will in the world, interfacing with the courts, especially post-covid, makes it an almost insurmountable task for some parents to get the money they need to bring up their child.

I will try to be brief and to the point, because this is an excellent Bill that I actively support. The welfare of children will be drastically improved by this Bill. Delays in obtaining a court order for the payment of child maintenance have a significant impact on the health and wellbeing of children all over the country. My hon. Friend the Member for Cities of London and Westminster (Nickie Aiken) made the eloquent point that this is about the welfare of children. It baffles me that there are parents who genuinely have a casual disregard for the wellbeing of their own offspring in the bizarre game they play with their former partners.

One of the Bill's central tenets, enabling the DWP to make a liability order in certain circumstances without first going to the courts, addresses a key problem in the current system and is particularly pertinent given the rising cost of living. I welcome clause 2 and the administrative liability orders, which are an elegant solution to the problem of attrition whereby some parents can afford to wait out their former partners—I think that is extremely cruel.

I agree with the hon. Member for Rutherglen and Hamilton West (Margaret Ferrier) that it is incredibly frustrating to read about some of these cases. Some individuals exercise coercive control over a partner who then takes the very difficult and sometimes painful step to separate themselves from this person who has dominated

their life so much, only for that person to exercise further coercive control by withholding the funds needed to bring up their child. I have dozens of examples from my own casework, but I will highlight just two.

**James Wild** (North West Norfolk) (Con): Two dozen?

**Chris Clarkson:** Absolutely. We will be here all afternoon.

In one case, a lady spent 12 years trying to get payments from her former partner. Her son is now 25 years old and is a qualified accountant dealing with child maintenance cases. That is the absurdity of the system.

In another case, a woman had fought for more than 10 years and had six court dates before she was finally paid the £16,000 she was owed in unpaid maintenance. She was working multiple jobs just to put food on the table, even though her former partner had the ability to provide the funds her child needed.

I was pleased to support the Child Support Collection (Domestic Abuse) Bill, introduced by my hon. Friend the Member for Hastings and Rye (Sally-Ann Hart), as it takes into account the role abuse can play in this process. The two Bills are obviously different, but they have an underlying connection.

The two cases I have highlighted magnify some important points. First, they establish that delays in child maintenance harm children. Secondly, the Bill will help to re-establish trust in the system, as single parents will not have to battle for decades to collect child support. It is important people have faith that the system will be there for them when they need it.

I am proud to support this Bill, which will give financial certainty to thousands of families up and down the country. My hon. Friends the Members for Stroud and for South Ribble, and everyone at the DWP who has worked on this, can be extremely proud that they are doing something that, while seemingly simple, will make a massive difference to a large number of people.

11.29 am

**Mr Gagan Mohindra** (South West Hertfordshire) (Con): May I first acknowledge that my hon. Friend the Member for Stroud (Siobhan Baillie), who is not here today, has done some excellent work on this Bill, as has my hon. Friend the Member for South Ribble (Katherine Fletcher) in moving its Third Reading today? I was lucky enough to be called on Second Reading in December. Previous speakers have acknowledged, as would everyone in the House, that many parents are struggling because of recent price rises. I welcome the fact that supporting parents, both single parents and those who are together, was a key theme in this week's Budget. Childcare provision has been expanded to 30 hours per week for children aged nine months to four years to help drive down household costs, as well as to give parents breathing space to pursue both personal and professional opportunities. However, I am aware of cases, both in my constituency and across the country, of parents struggling further because of a lack of financial support from co-parents with whom they no longer reside.

Parents have a duty to support their children, and that duty remains even if they are not the main day-to-day carer and/or residing parent. I understand that relationships



[Mr Gagan Mohindra]

and marriages can break down, for an array of reasons, and parents can often wish for limited communication with their former partner. But in the cases where parents look at ways of minimising child maintenance payments to their former partners, that ultimately means less money available to their children day to day: less money for school uniforms, for food and for extra-curricular activities, which are a vital part of developing skills for children at a young age.

My constituency is home to a lot of young families. One of these constituents, Nicola, came to visit me at my surgery in Croxley Green in April 2022. She is a single mother of two daughters and she came to discuss the difficulties she had experienced in getting paid fairly by the children's father. What struck me most—this goes back to my point about how these cases can often punish the children most—is that there had been multiple instances of her daughters crying in school because of the nature of their parents' relationship. Nicola told me about her frustration with the enforcement by the CMS; by September 2022, her former partner was in arrears by more than £13,000. Although the DWP have identified that there are issues with the amount the children's father has to pay, it has highlighted difficulties in enforcement and delays in carrying out further financial investigations. It has now been a year since Nicola first came to see me, which highlights the difficulties I know many parents have in receiving the child maintenance payments they deserve. It is also a perfect example of how the DWP and CMS are somewhat limited in their powers in investigating and enforcing in these cases.

That is not to say that the CMS and the Government have not done a good job in ensuring that correct payments are made. In the past 12 months, the CMS has arranged more than £1 billion in child maintenance payments. In 2021-22, the Government made more referrals to enforcement agencies than in any other previous year, and the number of liability orders applied for each year is now back to pre-pandemic levels. The CMS works with other Government departments to improve the use of enforcement powers and to explore the possibility of introducing new powers for cases in which people are being wanton.

I welcome the fact that this Bill has been introduced and that it addresses the gaps in the DWP's enforcement powers. The Bill will amend not-yet-commenced primary legislation to enable the DWP to take further enforcement action without the need to apply to the magistrates or sheriffs courts, instead allowing the Secretary of State to make an administrative liability order. That power, once enacted, will allow enforcement measures to be used more quickly against parents who have failed to meet their obligations. It is crucial that the system is built to ensure fairness for hard-working parents and, most importantly, that it supports the children, who in these cases are the most important. To support people such as Nicola up and down the country, I will be supporting this Bill.

11.33 am

**Gareth Bacon** (Orpington) (Con): In common with everyone today, I rise to support the Bill. First, I wish to pay tribute to my hon. Friend the Member for Stroud (Siobhan Baillie) for the work she has done on this

matter. As we have heard, she could not attend today, so I also wish to pay tribute to my hon. Friend the Member for South Ribble (Katherine Fletcher), who did an able job in representing her. Some valuable contributions have been made in this debate, but I particularly wish to mention those from the hon. Member for Rutherglen and Hamilton West (Margaret Ferrier) and my hon. Friends the Members for Heywood and Middleton (Chris Clarkson) and for South West Hertfordshire (Mr Mohindra), because they have illustrated very well the necessity of this Bill. [Interruption.] My hon. Friend the Member for Cities of London and Westminster (Nickie Aiken) also deserves fulsome tribute—[Laughter.] And perhaps a Locket or a Tune to help her clear her throat!

The Bill is largely technical, but that does not alter its significance, because it will greatly improve the process of enforcing unpaid child maintenance. It is an example of how a Bill can bring the House together to help some of our most vulnerable families. I believe, as do the majority of people, that it is parents' legal and—more importantly—moral duty to contribute financially to their child's upbringing. It is completely right that absent parents honour their child maintenance payments and that, when they fail to do so, there is robust enforcement.

In our country, people should never see paying for their children as an optional extra, but according to the last set of published statistics, 872,000 children are covered by Child Maintenance Service arrangements. The service saw an increase in 25,700 children between June and September 2022. In that quarter, it was reported that 61,500 parents—36%—who should have paid via the collect and pay service paid no maintenance. As a father, I find that a scandalous state of affairs and I am sure that all hon. Members agree it should change.

There are only six clauses in the Bill, but I am sure that all right hon. and hon. Members will recognise its implications, as it will help to get much-needed money to children more quickly. The substance of the Bill is largely contained in clauses 2 to 4, with provision to make regulations that will ensure that the powers are used appropriately and provide parents with the opportunity to challenge the decision if they think it is wrong.

Clause 2 amends existing powers that, once commenced, allow the Secretary of State to make an administrative liability order where the paying parent has failed to pay an amount of child maintenance. They will be able to do so, however, only where a deduction from earnings is inappropriate or ineffective. It is hoped that that new power will prevent unnecessary overuse in cases where there are more suitable alternatives. Clause 3 broadens the capability created in clause 2 by allowing the liability order to be varied if, for example, the amount of arrears on which the liability order is based is subsequently found to have been incorrect or where investigations reveal further details about the paying parent's finances. Clause 4 provides for appeals against liability orders to the first tier tribunal, and amends the route of appeal to allow a right of appeal to a court, and provides for consequential amendments. Clauses 5 and 6 relate to minor consequential amendments and the extent, commencement and short title of the Bill.

To conclude, it takes two to make a baby, so unless a parent is deceased, it is perfectly reasonable to expect two to pay for a baby. The Bill will help to ensure that that happens, so I am happy to support it.



11.37 am

**Aaron Bell** (Newcastle-under-Lyme) (Con): It is a pleasure to follow my hon. Friend the Member for Orpington (Gareth Bacon) and to listen to my hon. Friend the Member for South Ribble (Katherine Fletcher) expertly introduce the Bill on behalf of my hon. Friend the Member for Stroud (Siobhan Baillie), who cannot be here today. I know how passionate she is about families because of her time in legal practice as a family law solicitor; how expert she is on such matters; and why she was a great choice to bring the Bill to the House.

Before I turn to the Bill, I want to put on record, because I did not have the chance to speak in the debate, my happiness and delight that the Hunting Trophies (Import Prohibition) Bill passed its Third Reading an hour or so ago.

I commend my hon. Friend for her work on childcare, which she has consistently championed in this place, to some considerable effect as we saw in Wednesday's Budget. I know that the changes that my right hon. Friend the Chancellor of the Exchequer made will make a real difference to my constituents, to the constituents of all hon. Members, to new families across the country and, particularly, to mothers who want the choice of being able to go back to work and to be supported by the state as they do so.

This is a short Bill, but no less effective for that—in the best tradition of private Members' Bills on Fridays. From reading my inbox and hearing about some of the cases that my staff work hard on, I know how important the good functioning of the Child Maintenance Service is to many families. When things go wrong, the consequences for the receiving parent and, perhaps more crucially, the children can be profound.

It is frustrating to see people refuse to honour their responsibilities. As my hon. Friend the Member for Orpington said, it takes two to make a baby, it takes two to raise a child and it takes two to pay for a child as well. While I understand that some parents struggle to afford to pay in difficult situations and when there is a change of circumstance—and I will always support constituents, whichever side of the argument they are on, in trying to make that case to the CMS—it is obvious that in some cases parents are deliberately and willingly choosing not to pay what they owe, not financially supporting their children and leaving the other parent, usually the mother, high and dry.

The difference that those payments make to children's lives is critical. The Nuffield Foundation, a social mobility charity, estimates that as many as one in five single parents on benefits is lifted out of poverty by receiving those child maintenance payments, which means a better future for their children. Parents who receive that money, and in many cases rely on it, should be able to trust the system to move as swiftly as possible to help them recover maintenance arrears when that becomes necessary.

I pay tribute to the CMS's work and the action it takes to tackle payment breakdowns at the earliest opportunity, to re-establish compliance and to collect unpaid amounts that have accrued. When that is not achieved and the parent is employed, the CMS attempts to deduct the maintenance, including arrears where appropriate, directly from their earnings. As we all

know, employers are obliged by law to co-operate with such action, but unfortunately that does not mean it always happens.

Turning to the wording in clause 2, sometimes there are cases where that does not work, either because

“(i) it is inappropriate to make a deduction from earnings order against the person (because, for example, the person is not employed), or

(ii) although a deduction from earnings order has been made against the person, it has proved ineffective as a means of securing that payments are made in accordance with the maintenance calculation in question”.

That happens worryingly often, and that is what my hon. Friend the Member for Stroud is trying to address through this Bill. Under the current legislation, the CMS must apply to the magistrates or the sheriff court to obtain a liability order before the use of other enforcement powers, such as instructing enforcement agents or sheriff officers, or even more stringent court-based enforcement actions such as forcing the sale of a property, disqualification from driving or holding a UK passport, or even, in extreme cases, commitment to prison.

This Bill will amend the uncommenced primary legislation to enable the DWP to take further enforcement action without the need to apply to magistrates or sheriff courts. Instead, it allows the Secretary of State to make an administrative liability order. That will allow enforcement measures to be used more quickly against those parents who have failed to meet their obligations and will reduce the pressure on our courts, since I understand that liability orders at the moment take approximately 20 weeks. The simplification of the system will make it more efficient and get that money more quickly back into the pockets of the people who need it.

This Bill is of great importance in ensuring that the CMS can make the necessary improvements to enforcement processes and get the money to the parent and thus to the children more quickly. We must ensure that parents who are messing about, choosing to avoid their responsibility to their children, know that there will be sanctions against them and that the action taken against them will be swift—thereby not only putting that case right, but providing a deterrent to others who might be tempted to do likewise.

In conclusion, the most important thing is that any changes we make in this area should always have the children at their heart and should benefit the children in what can often be difficult and emotionally charged situations. It is important we have them at the forefront of our minds whenever we do anything in this area. This Bill will enable us to get the legal and the money issues out of the way so that we can focus on the welfare of the children.

11.42 am

**Anna Firth** (Southend West) (Con): It is a pleasure to be called in this debate and to follow my hon. Friend the Member for Newcastle-under-Lyme (Aaron Bell). He always speaks incredibly well on a Friday, and today is no exception. It is also a pleasure to support my hon. Friend the Member for Stroud (Siobhan Baillie), who has done such a lot of work in this sphere and done a wonderful job in highlighting this issue and piloting the Bill through Parliament. I give credit to my hon. Friend

[*Anna Firth*]

the Member for South Ribble (Katherine Fletcher), who has also done a wonderful job standing in for my hon. Friend the Member for Stroud. I would certainly not know the difference—particularly without my glasses on.

Child support is such an important issue. I was delighted to be in this place to support another Bill on the same topic towards the end of last year, the Child Support Collection (Domestic Abuse) Bill, brilliantly championed in this place by my hon. Friend the Member for Hastings and Rye (Sally-Ann Hart). The fact that there are two Bills on child support before Parliament underlines what an important issue it is and shows that reform of the system is needed so that, in the very unfortunate event of a family breakdown, parents—we must be honest, it is usually fathers—are not allowed to financially abandon their children.

Having children, looking after them and supporting them financially is a huge responsibility, and no one should be able to decide that they simply do not want to pay for a child that they have had. I am therefore very pleased that the Bill means a parent will no longer be able to get out of paying the amount of child maintenance cited in a child maintenance order by playing games, and in particular playing games with our court and administrative system. The Bill will be hugely beneficial to mothers who are doing the incredibly difficult but vital job of providing the day-to-day care that these children need: they will not have the continual, nagging worry about whether a father will pay his dues.

Failure to pay child maintenance has a massive impact on the families who rely on it, as is amply demonstrated by the number of cases and queries that appear in all our postbags and inboxes. I want to raise a particular case with which I have been involved. Quite soon after I entered the House, a lady came to my constituency surgery. Her relationship with her partner broke down, very sadly, while she was pregnant. She discovered at that stage that her partner had been cheating on her, and she has described him as an abusive liar. I cannot imagine the trauma that a woman must experience when she finds out that her partner is cheating on her while she is still carrying his unborn child.

My constituent's ex-partner has never made his child maintenance payments consistently, apart from a few sparse payments here and there. He works full time, but as soon as the Child Maintenance Service sees that he is working on a PAYE basis for longer than a few months, he either changes jobs or claims that he is not working, and works "cash in hand" to try to get out of paying. He has also been convicted of breaking two non-molestation orders. He has been taken to court before and made to pay some money, but unfortunately as soon as the court has seen him make a few payments, the case is transferred back to the Child Maintenance Service and he very soon stops paying. Obviously arrears then accrue, and he now owes more than £10,000 in unpaid maintenance. He is living the life of a rich man, yet he supposedly cannot afford to pay for his child.

No one should have to go through what my constituent has been experiencing, and I am delighted that the Bill will go some way towards ensuring that parents do not have to go through it any more. Sadly, as we all know, since the CMS was set up 11 years ago, nearly £500 million

of maintenance has not been paid. I am pleased that the Government have taken steps towards resolving that, and I believe that the Bill will continue to improve the position.

We have already heard some explanations of the two child maintenance payment systems, direct pay and collect and pay. It is quite complicated, but I think that it bears repetition. For direct pay, the CMS provides a calculation and a payment schedule, but payments are arranged privately between the two parents. That is, of course, far the most favourable way to proceed. Where necessary, for collect and pay, the CMS calculates how much child maintenance should be paid, collects the money from the paying parent, and pays it to the receiving parent. Collect and pay tends to involve cases in which a more collaborative arrangement between parents has failed or not been possible to achieve, or there are high levels of conflict. Paying parents on collect and pay are therefore considered to be less likely to meet their payment responsibilities and, indeed, evidence shows that to be the case.

Clause 2 in particular will assist in the collection of payments from unwilling paying parents. It provides for the Secretary of State to make a liability order when the paying parent has failed to pay an amount of child maintenance, and a deduction from earnings order is inappropriate or has been ineffective. The clause provides an assurance that administrative enforcement measures will be appropriately considered before more stringent measures are taken. As I understand it, in practice, that will mean that enforcement measures will be able to be taken much more quickly against parents who have failed to meet their obligations. I would be grateful if the Minister could confirm that in his summing up.

Clause 3 expands the power to make administrative liability orders by setting out in regulations provision for the variation of a liability order, for example, where the amount of arrears upon which the liability order is based is subsequently amended as more information about the paying parent's income is obtained. This is important to constituents such as mine where the father has consistently lied about his earnings. Clause 4 gives the Secretary of State the power to set out in regulations provisions that relate to a parent's right of appeal against a liability order. Those provisions will include the paying parent's right of appeal to a court, the period within which the right of appeal may be exercised, the powers of the court in respect of those appeals, and provision for a liability order not to come into force in specified circumstances. The provisions in clause 4 will prevent court time from being used to consider day-to-day CMS business that can be completed operationally, again speeding things up. Importantly, the provisions will, therefore, not place any additional or unreasonable constraints on a parent's ability to seek an appeal.

The Bill is important in ensuring that the CMS can make the necessary improvements to enforcement processes and get money to children more quickly. We must ensure that, when someone asks for help through the CMS, they get help quickly and in a way that makes them feel supported. We must also ensure that parents who are messing about with court procedures know that there will be sanctions and action against them.

This is an incredibly important Bill. It will allow parents in situations like those of my constituent to receive the money they are owed much more quickly

and efficiently, and it will help to protect vulnerable children; I am delighted to see that it has support today from across the House. I thank my hon. Friend the Member for Stroud, who is not here today, for giving us the opportunity to debate this issue and for her sterling efforts to ensure that children receive the money that they deserve.

**Madam Deputy Speaker (Dame Rosie Winterton):** I call shadow Minister Karen Buck.

11.52 am

**Ms Karen Buck** (Westminster North) (Lab): We all know that being a single parent increases the risk of falling into poverty, and that is even more the case when an absent parent does not fulfil their maintenance obligations. We all wish it were not so, but it is, as we know; we have heard examples in contributions this morning and I am sure all of us know from our casework that there are occasions when the absent parent, usually, but not always, the father, will act abominably in seeking to avoid their obligations. I have certainly had such instances in my constituency—and not always, it has to be said, involving those on the lowest incomes.

Labour completely supports the principle that non-resident parents should meet their responsibilities for child maintenance and that where they fail to do so the state needs to step in to enforce payment. As has been reinforced this morning, timely meeting of responsibilities is crucial, because when payments fall behind and the parent with care has to take action and wait for payments, that can cause financial distress and massive psychological distress. So I, too, congratulate the hon. Member for Stroud (Siobhan Baillie) on introducing the Bill and the hon. Member for South Ribble (Katherine Fletcher) on stepping up this morning and taking it through the final stages.

As my hon. Friend the Member for Reading East (Matt Rodda), the shadow Pensions Minister, said on Second Reading, not only do we support the principle, but we recognise that enforcement of child maintenance obligations needs to be improved. This Bill will improve enforcement. It is a largely technical set of measures, but we hope it will make a significant contribution to speeding up the process by which the absent parent can be made to pay. However, we do not think it will resolve all problems with the CMS. Nor, it is fair to say, is it intended to, as I am sure Conservative Members would agree. I think everyone recognises that we are a very long way from having a Child Maintenance Service that ensures that all absent parents meet their responsibilities and that all families receive the financial support to which they are entitled.

As my hon. Friend the shadow Treasury Minister pointed out in the Committee that considered the Bill, last year's report by the Public Accounts Committee concluded that, in the 10 years since the Child Support Agency was replaced by the Child Maintenance Service, there has been effectively no improvement in the system for parents, children and families. Around half of children in separated families—1.8 million children—receive no support at all from their non-resident parent.

**Mark Tami** (Alyn and Deeside) (Lab): We have heard a lot of stories today, and they are always about the very difficult cases, where people work cash in hand, or try

to avoid things, and it is important that we pursue those people. We also have people coming to us who say, "I play by rules, but I am pursued all the time, because I am an easy person to get hold of, whereas some of the others are not."

**Ms Buck:** I agree with my right hon. Friend. It is really distressing when we see these cases. After separation, often, families will find themselves in financial stress. Even so, many parents will do absolutely everything that they can to put their children first and to meet their obligations. They are of course very angry about the behaviour of those parents who simply do not play by the rules and who, as we have heard, do everything that they can to avoid those commitments—they drop in and out of work, create shadow companies, and conceal their incomes in every way that they can. They do so because, sadly, money is so tied up with emotions after a relationship breakdown that it is often used as a tool to continue to cause emotional damage to those families.

It is concerning that Child Maintenance Service performance seems to have declined over recent years. Of course, enforcement action was negatively affected by the pandemic, as staff had to be redeployed to manage universal credit claims, and the courts were closed. However, performance was already showing a worrying trend before the pandemic, with the number of liability orders in process falling from 6,900 in the first quarter of 2019 to 3,700 in the last quarter of 2019. Things have improved on the most recent data, for the third quarter of 2020, but, at 5,300, numbers remain far below the earlier level. Meanwhile, the number of enforcement agency referrals in process is less than half what it was in 2019. It would therefore be helpful if, in replying, the Minister could update the House on how the Government intend to address these apparent shortfalls in Child Maintenance Service performance since 2018, and reassure the House that this legislation will not lead to any relaxation of efforts to improve performance in the round.

Having said that, I again congratulate the hon. Member for Stroud. I have no doubt that this is important and useful legislation and we on the Labour Benches give it our wholehearted support.

11.57 am

**The Minister for Disabled People, Health and Work (Tom Pursglove):** I am grateful to my hon. Friend the Member for South Ribble (Katherine Fletcher) for promoting the Bill here today. We have rightly heard many tributes to her during the debate. She has been a dextrous stunt double for our hon. Friend the Member for Stroud (Siobhan Baillie). I can think of no better steward or co-sponsor of this Bill to deliver on these Third Reading proceedings today, and she should be incredibly proud of the contribution that she is making to the Bill's passage. I am also most grateful to my hon. Friend the Member for Stroud and I congratulate her on navigating the Bill successfully through its previous stages in the House.

I welcome the broad cross-party support that we have heard from both sides of the House during the debate. That has been reflected in the various contributions, many of which have been impactful and drawn on constituency cases brought to colleagues' attention. In that spirit, I thank the Opposition for their support for



[Tom Pursglove]

the Bill and extend my gratitude to all hon. Members who spoke during previous stages of the Bill to highlight important points. I am appreciative of their insight. I pay tribute to the Minister responsible for social mobility, youth and progression—the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Mid Sussex (Mims Davies)—who has so excellently supported the Bill through to this stage, and to my noble Friend Viscount Younger of Leckie, who has recently taken over ministerial responsibility for the CMS. He has undoubtedly hit the ground running and has been strenuous in his efforts to further improve the service that it provides. I know that he is wholeheartedly committed to continuing in the other place the support for the Bill's important measures that it is my privilege to provide in its final stages in this place.

As my hon. Friend the Member for South Ribble highlighted so eloquently, the Bill is so important for securing money for children more quickly from parents who fail or who simply refuse to support them. We all understand how child maintenance payments can play an effective role in helping to lift children out of poverty and enhance the life outcomes of children in separated families. The Government are absolutely committed to improving the efficacy of the CMS. The Bill is another significant step forward to ensure that the right action is taken at the right time.

I know and understand why the performance of the CMS is a matter of concern for many colleagues who regularly deal, as I do, with inquiries from constituents who may feel that they are not receiving the level of service that they and their children deserve. However, the CMS has made and continues to make substantial improvements to the service that it provides to many of our most vulnerable constituents. It is committed to delivering service and support to the highest standard and is working hard to transform itself into a more customer-focused, digital organisation, which I am sure is something we all welcome. Although there is still much more we can do, the CMS should no longer carry the stigma with which its predecessors were associated.

That is where I would argue the Bill has an important part to play. It will speed up the enforcement process, which in practical terms will mean getting money to children more quickly, as many hon. Members highlighted in their contributions this morning. It will remove an administrative step while retaining an important appeal right. I understand that the appeal mechanism is tried and tested and works well elsewhere.

It is unsurprising that the Bill has received such a wide welcome. Ultimately, there is no disadvantage to anyone in speeding up the processes and removing the burden on them. The Bill will achieve that by ending the current situation, which requires us to get a liability order through the court. Let me put that into context: applications to the court for a liability order typically take up to 20 weeks to process, which means five months in which no tangible activity can take place to get money to children who are waiting for it. That cannot be right, and it is certainly not preferable. We also want to focus on reducing the burdens on courts as a result of the processes they have to work through, which we want to see streamlined wherever possible.

After the Bill comes into force, we will make regulations under the affirmative procedure, which will allow further scrutiny before their commencement. As my hon. Friend the Member for South Ribble explained, hon. Members and their constituents can be assured that the powers will be used proportionately. The regulations will be developed to help provide that assurance. The secondary legislation setting out the appeal provisions in more detail will follow the affirmative procedure, as I say, so hon. Members will be able to vote on our proposals.

More broadly, we are looking at our enforcement processes and carefully considering how we can make the system work more efficiently overall. Hon. Members may be aware of the excellent work that the Department and my hon. Friend the Member for Hastings and Rye (Sally-Ann Hart) are doing to ensure that parents using the service who have suffered any form of domestic abuse will benefit from the additional protections in the Child Support Collection (Domestic Abuse) Bill, which went through its Report stage and received a Third Reading in this House on 3 March. I look forward to following that Bill's successful progression in the other place.

In conclusion, it is to the huge credit of my hon. Friend the Member for Stroud that she has successfully brought the Bill forward on a cross-party basis and navigated its passage through its earlier stages, most ably supported by my hon. Friend the Member for South Ribble today. Let me also place on record my thanks and those of my ministerial colleagues to officials for all their efforts in helping to get the Bill to this stage and for the work that I know that they will do to help us take it forward.

With that, I am delighted to restate that the Government support the Bill and will continue to support it as it moves through Parliament. I wish it every success. As my hon. Friend the Member for Newcastle-under-Lyme (Aaron Bell) said, ultimately, this reform is about getting money to children quicker. It is very much a reform with children at its heart.

**Katherine Fletcher:** With the leave of the House, I take the opportunity to thank the Minister and Members on both sides of the House for their support. I extend my appreciation and that of my hon. Friend the Member for Stroud (Siobhan Baillie) to the Public Bill Office and officials in the Department for Work and Pensions for their guidance.

I am very grateful for the cross-party support that the Bill has received. We have heard from Members from all the nations of the United Kingdom. I particularly give my thanks to the hon. Member for Rutherglen and Hamilton West (Margaret Ferrier) and my hon. Friends the Members for Cities of London and Westminster (Nickie Aiken), for Clwyd South (Simon Baynes), for Heywood and Middleton (Chris Clarkson), for South West Hertfordshire (Mr Mohindra), for Orpington (Gareth Bacon), for Newcastle-under-Lyme (Aaron Bell) and for Southend West (Anna Firth).

I would point out that my hon. Friend the Member for Stroud who, as we have all acknowledged, has done so much work on the Bill, has legal training, so I will leave it Members to decide whether potential libel has been committed today by their suggesting that I could possibly be her stunt double. I know that she believes very passionately in this Bill, as do I, and it is an honour



to pick it up. On behalf of people in South Ribble and across the country, I am proud to support it. It will make essential improvements to child maintenance processes and, importantly, it will get money to children more quickly. I wish it success as it moves to the other place.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

## **Powers of Attorney Bill**

*Bill, not amended in the Public Bill Committee, considered.*

*Third Reading*

12.7 pm

**Stephen Metcalfe** (South Basildon and East Thurrock) (Con): I beg to move, That the Bill be now read the Third time.

I am delighted not only to take my Bill through its Third Reading but to be here on the auspicious occasion of the passing of the Hunting Trophies (Import Prohibition) Bill, which is an important and valuable piece of legislation. If I have had any small part to play in that, I am very grateful.

Let me begin by thanking the Public Bill Committee, which met on 1 March to consider the Bill in detail. It was absolutely fantastic to see so many of us share the same goal of making it easier for people to create a lasting power of attorney with better protections, and to put in place a more sustainable process for the Office of the Public Guardian. I am delighted to confirm that my Bill passed Committee stage unamended. I am hopeful that the spirit of cross-party support that has remained since Second Reading will continue throughout the process until the Bill passes.

As I have said before, I believe that a lasting power of attorney is an incredibly powerful and useful document. It lets someone choose people they trust to support them and make decisions for them if they lose the mental capacity to make their own decisions in future. I make no apology for repeating the point that I have made at previous stages of the Bill. Modernisation is no longer an option but a necessity. I was grateful for the support of my hon. Friends the Members for Bracknell (James Sunderland) and for Broadland (Jerome Mayhew) on that matter on Second Reading.

However, I am aware that some people have concerns about modernisation. Since my Bill was introduced on 15 June last year, I have met organisations that wished to discuss the importance of increasing accessibility while improving safeguards and, practically, the concerns about continued access to paper routes. The latter was also raised in Committee by my hon. Friend the Member for Darlington (Peter Gibson), and I would like to reassure everyone that I am aware that some people are unable to use a digital system and will continue to need a paper version. The new system facilitated by my Bill will provide for a paper route to create a lasting power of attorney. It will be updated with the safeguards that are mirrored in the digital version that the Bill will create.

My hon. Friend the Member for Devizes (Danny Kruger) reflected on Second Reading on the fact that as a society we are moving more and more towards cashless transactions. I do not wish to open up the debate about the future of cash, as that is for a separate day. For now, if we accept that more and more transactions are online and digital, concerns were raised about how that would affect the elderly and possibly lead to their abuse. Because of the importance of that, I repeat that the Bill provides for a paper channel to continue to be available. In fact, it will go further and introduce a fluid system in which donors, attorneys and others involved can use the channel, digital or paper, that best suits their skills, confidence and access.

[Stephen Metcalfe]

I am also acutely aware of the need for protections against abuse, especially for older people who are the main group making LPAs. My Bill will enhance safeguards in multiple ways, for example with the improvements to the notifications and objections process; by restricting applications to the donor; and through the introduction of identity verification.

As the hon. Member for Stockton North (Alex Cunningham) mentioned on Second Reading, there is a burden on the Office of the Public Guardian because of the high volume of paper LPAs it processes. Combined with the effect of the pandemic, error rates due to confusing paper forms and logistical problems in the application process, that has resulted in a backlog. I am confident that the provisions in the Bill and the changes it will facilitate, such as automated checks, will build resilience into the process for the OPG. That should significantly reduce the chances of backlogs forming in the future.

The Bill includes provisions to enable chartered legal executives to certify copies of powers of attorney. I am grateful for the support in this House for that initiative. The legal services market has evolved over the last half century since the current legislation was introduced. The Bill will bring the process for certifying copies of a power of attorney in line with modern realities in legal service provision. Consumers will also benefit from the increase in choice in accessing those services, which will plug any current unmet demand.

I thank the Minister for his support during the passage of the Bill. I know he agrees with me that these changes are urgently needed, so that LPAs and powers of attorney can continue to provide the support that people need. As I said, these are powerful documents, and the Bill will help to improve their sustainability, reliability and access.

I would also like to extend my gratitude to those who have raised questions and points during this process and to all the external organisations that have expressed interest in and support for these measures. I hope my Bill continues to progress well once it passes to the other place, so that an improved system can be implemented and delivered for the benefit of those we serve as soon as possible.

12.15 pm

**Patrick Grady** (Glasgow North) (SNP): A very happy St Patrick's Day to you, Madam Deputy Speaker. I congratulate the hon. Member for South Basildon and East Thurrock (Stephen Metcalfe) on the progress his Bill has made. I think all of us are quite relieved that we have made it to Third Reading at a respectable pace, after the House unanimously agreed on earlier Bills, particularly the Hunting Trophies (Import Prohibition) Bill, which was of great concern to many of my constituents and people across the country.

It has been a slightly unexpected pleasure to serve on the Public Bill Committee and then to follow the progress of the Bill. We do these things as favours to each other sometimes and then find that a Bill piques our interest and there is even more we can take forward. As the hon. Member for South Basildon and East Thurrock

and others have recognised, powers of attorney provisions are increasingly valuable in the modern world, especially as the population ages and we interact in different ways with authorities and institutions. The Bill will make that process easier, especially for people in England. It will also introduce important new safeguards.

Most of the legislation in this area is devolved, and there are a number of differences between power of attorney provisions north and south of the border, but the Bill makes a number of changes in devolved areas. Despite the Government's assessment in the explanatory notes, the Scottish Government have chosen to bring forward a legislative consent motion and a legislative consent memorandum. Private Members' Bills are done slightly differently, but where the Government are keen to facilitate the passage of a Bill, they should perhaps make sure that officials north of the border are fully apprised of that, so that things can move as quickly as possible.

The Scottish Government intend to use that memorandum and motion to consent to the Bill, because they recognise the importance of the smooth operation of powers of attorney north and south of the border. The legislative consent memorandum says in paragraph 12:

"Consent is recommended, because the Bill is aligned with the Scottish Government's emphasis on increasing accessibility to obtaining a power of attorney. As noted above, the changes that apply to Scotland will allow the record in the register of LPAs maintained by the Public Guardian in England and Wales to be used as sufficient proof of the contents of an instrument in any part of the United Kingdom including Scotland."

That is an important provision in terms of the recognition of powers of attorney north and south of the border, and the Minister and I have had useful exchanges in Committee and since then about how Scottish powers of attorney are recognised in England.

The website of the Office of the Public Guardian in Scotland notes that a Scottish power of attorney

"can be used in England or Wales if an Organisation (e.g. a bank) accepts its authority, but if they do not things are more problematic. The Organisation may require an endorsement of the Scottish PoA from the English authorities".

As I say, the Minister and I have had exchanges on this, and he has recognised in a letter to me that there is a need to ensure that institutions and organisations are aware of the legal status of Scottish powers of attorney in England and Wales. I hope he might be willing to put a copy of that letter in the Library of the House, so that other Members can see the detail. I accept that this Bill in particular is not the vehicle, and he argues that legislative change generally is probably not needed; it is more about raising awareness and understanding.

That is particularly important, not least because all of us will encounter the use of powers of attorney in the years to come. For many of us, that will be in our roles; the issue of cross-border recognition has cropped up in my casework from time to time. Increasingly, we will all find interactions with powers of attorney in our personal lives as well.

The Bill strengthens and simplifies the system for obtaining and using a power of attorney, especially in England. I congratulate the hon. Gentleman, and the Minister and his team, on their success in securing its passage.

12.19 pm

**James Wild** (North West Norfolk) (Con): I welcome the Bill and congratulate my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe) on getting it to this stage and on securing cross-party and, importantly, Government support for it. I look forward to supporting its passage today. Although this Bill may not have attracted the same level of attention and celebrity endorsement as the Hunting Trophies (Import Prohibition) Bill, which I was pleased to support, it is none the less important. It makes provision on lasting powers of attorney and proof of instruments creating powers of attorney.

A lasting power of attorney is a vital legal tool that helps people to plan for their future. It lets the donor choose another person—the attorney—to support them and make decisions on their behalf if they lose the mental capacity to make them for themselves. That might be because of an illness such as dementia, for example, or a terrible accident. The Law Society says:

“LPAs are arguably one of the most important legal documents a person will make, because they delegate such wide-reaching powers over their life.”

For a friend, a relative, a partner or a solicitor, that is an incredible and immense responsibility to take on.

LPAs were introduced in 2007, through the Mental Capacity Act 2005, to balance the need to improve safeguards for the donor with the need to make it easier to secure an LPA. The 2005 Act also created the Office of the Public Guardian, which, as we have heard, is responsible for registering LPAs and taking action where there are concerns about an attorney. LPAs were introduced more than 15 years ago and, given the progress of technology and our move away from paper-based record-keeping, the case for change is clear. With LPAs, MCAs and OPGs, we are not short of TLAs—three-letter acronyms—today.

I am pleased that the Bill will bring much-needed modernisation to the process of making and registering lasting powers of attorney, making it easier for individuals to obtain certified copies of powers of attorney. It will create for customers a simpler and faster system that is more resilient to disruption. The modernisation will be made possible by enabling changes to the process to make and register an LPA, by introducing the requirement to verify identity as part of applying to register an LPA, and by streamlining how people can object to registrations. The Bill will also enable different processes and evidence to be accepted depending on whether registration for an LPA is made digitally, on paper, or with a mix of the two. I am pleased that my hon. Friend set out so clearly that the paper-based option will be retained. That is something that Age UK in particular has raised, and it will benefit my North West Norfolk constituents.

The Bill will mean that people find it simpler to create their LPA while, importantly, being protected—through regulations that are enabled by the Bill—from abuse of the powers that are offered. The public will also be better protected from fraud, and the OPG will be able to run a more streamlined process that delivers better value for its fee payers. The fee is currently a relatively modest £82, which is noteworthy given the level of responsibility involved. Overall, the measures will allow more individuals to retain control of their lives by planning for the future.

In 2001, the Ministry of Justice ran a consultation setting out the case for change in the light of the number of LPAs since their introduction. In 2014, for example, just over 390,000 LPAs were sent to the OPG for registration. By 2019, that number had more than doubled to just under 920,000. Increasingly, people expect to be able to access Government services online. It is striking that in 2019, the OPG received 19 million sheets of paper in the form of hard-copy LPAs, and posted out a similar amount. That is not a sustainable or sensible practice to continue.

LPAs are particularly useful for people with dementia. Statistics from the Alzheimer’s Society show that about 900,000 people live with dementia in the UK, and that figure is expected to rise to 1.6 million by 2040. Figures from Norfolk County Council show that in 2019, about 11,000 people with a dementia diagnosis were registered at practices in Norfolk and Waveney. By 2030, that figure is expected to double. Indeed, in King’s Lynn and west Norfolk, dementia prevalence is expected to increase by nearly 24% between 2019 and 2030. The Bill will help to ensure that the process for registering LPAs keeps pace with that expected increase in dementia, while we also, importantly, put medical funding into research to help to treat that condition.

I welcome the digitisation of the process, which will bring many benefits to improve access and speed of service, but we must ensure that there are robust and well-thought-through safeguards. Poor decision making by an attorney could mean the loss of all of someone’s assets or someone being put into a care home, or it could have other serious consequences. The balance between ease of use and protection has to be properly struck, but I am pleased to support the Bill to help to deliver much-needed improvements to the process.

12.25 pm

**Angela Richardson** (Guildford) (Con): It is a privilege to follow the excellent speech of my hon. Friend the Member for North West Norfolk (James Wild) and to congratulate my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe) on bringing forward this important legislation unamended to Third Reading.

Powers of attorney, specifically lasting powers of attorney, are incredibly powerful and useful appointments. They allow people to retain control over aspects of their lives in circumstances where they might not otherwise be able to make decisions or take actions. In particular, lasting powers of attorney ensure that people have the opportunity to make provision for a future where they may no longer have the mental capacity to understand what is happening to them and therefore to make decisions about the things that they care about.

We all know that our population is ageing and that, as my hon. Friend the Member for North West Norfolk illustrated with good statistics, the prevalence of dementia is increasing. For those people, such documents will become ever more important to ensure that they can continue to live the lives that they want to live. They will also be more important in protecting people who might otherwise be the target of fraud, scams and abuse. I have seen some terrible examples of that in my casework on behalf of Guildford constituents, where vulnerable



[Angela Richardson]

people have been taken advantage of in so-called romance scams and similar, without the protection of someone who can look after their best interests.

As has been said, hon. Members on both sides of the House agree that the current situation is unsustainable. The Office of the Public Guardian carries out manual administration checks and stores 11 tonnes of paper at any one time. LPA applications are generally increasing, with the number submitted for registration more than doubling between 2014-15 and 2019-20. That creates an ever-increasing need for staff, equipment and storage space.

The ability to use a digital channel alongside the paper route to make and register an LPA would help to resolve some of those issues. Most of the current manual checks could be automated to speed up the time it takes for applications to be processed, which I know has been an issue. It would also increase the Office of the Public Guardian's resilience to backlogs. It is important that some safeguards remain, as my hon. Friend the Member for South Basildon and East Thurrock mentioned. Importantly, the Bill achieves sustainability for the Office of the Public Guardian while keeping LPAs as affordable as possible for everyone in society.

12.28 pm

**Mr Gagan Mohindra** (South West Hertfordshire) (Con): I commend my hon. Friend the Member for Guildford (Angela Richardson) for her excellent speech. It is a real honour to speak in support of my very good and long-standing friend, my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe). I have known him for 20 years and he continues to be a leading political light in my eyes. I aspire to his lofty heights.

The Government have wanted to introduce such a Bill for a long time. During the pandemic, we saw the need for modernisation and how much it is now required. The critical point about the Bill is that it will always be difficult to see a loved one no longer being able to make their own decisions, so ensuring that their wishes are protected is essential. Making it quicker and easier to get a lasting power of attorney and smoothing out the logistical process must surely be the right thing to do.

Within South West Hertfordshire we saw the community rally round during the very difficult pandemic to support the most vulnerable in our area, and I saw how technology was able to help with allowing those people to get on with their lives. Within my own work programme, things such as offering virtual surgeries and meeting virtually with local organisations remain a critical tool for interacting with my community—something I am sure that colleagues around the House continue to use today.

There are some excellent organisations working in South West Hertfordshire and across the UK to help people with lasting power of attorney, but I want to mention Age UK. Every one of those organisations has said that simplifying the process would be a help to even more people. The problem is that, as we all know, the applicants who have to use the LPAs have said that since the pandemic the process of obtaining one has been cumbersome with all the relevant paperwork.

In particular, organising the paperwork presents logistical difficulties for people who have become used to technology. It can also be an expensive process if people feel the need to use a solicitor. There has been an increase of 50% in the waiting time for LPAs, from about 40 days to 82, and there is currently no method to track the progress of an application. I am in support of this Bill. A digital method of verifying witnesses for an LPA is possible, given technological advances.

The Government consulted on whether a witness is still a necessary part of the process, how to reduce the chances of an LPA application being rejected by the Office of the Public Guardian and whether an urgent service would be helpful. The consultation got 313 responses and the overall response was positive. Respondents supported a modernisation of the LPA service that offers a digital and, just as importantly, a paper channel.

In conclusion, modernising the LPA application system will allow applications to be processed more quickly and easily while putting digital protections in place to keep the same level of security, which will help to give people peace of mind as they approach what can be a very difficult task.

12.31 pm

**Nickie Aiken** (Cities of London and Westminster) (Con): It is an honour to speak on this Bill, brought forward and championed so ably by my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe). It is always a pleasure to follow my hon. Friend the Member for South West Hertfordshire (Mr Mohindra), who spoke very cogently on the subject.

I am incredibly glad that this Bill has had full support from the Government during its passage through Parliament. After all, it is a wholly sensible Bill and will bring lasting powers of attorney into the 21st century. In fact, it builds on some sensible recommendations that the Office of the Public Guardian and the Ministry of Justice identified in their recent work on modernising LPAs.

I recently heard from a constituent of mine, Tim, who works as a volunteer for the Paperweight Trust, a charity that provides free services to those needing guidance on legal, financial and welfare issues. Tim is an expert on this subject, so I was interested to hear his observation that the Office of the Public Guardian is taking much longer to process LPAs. Based on his experience, he told me that, for many people, the complexity and accessibility are a constant worry when it comes to this kind of documentation.

Therefore, I want to make some observations. First, how will this Bill seek to address the problems that Tim has highlighted, and will it make a difference? The Bill will deliver two important changes to legislation around powers of attorney and add to the work in the report led by the Ministry of Justice. It will reform the process of making and registering a lasting power of attorney to make it safer, easier, and more sustainable. It will bolster safeguards and explicitly permit a third party to object to the registration of a lasting power of attorney, a very important protection. Moreover, it will modernise the process of filling in a lasting power of attorney, a move that—in my view—is very long overdue.

Secondly, it will widen the group of people who can provide certified copies of powers of attorney to include chartered legal executives. From my point of view, that is most welcome, and works to correct a historic omission: it will mean that chartered legal executives can certify alongside solicitors, which I hope will mean that we can speed up the process, because there will be more professionals involved in it. I say to my hon. Friend who is taking the Bill through Parliament, the hon. Member for South Basildon and East Thurrock, that these reforms are most welcome. Of course, digitalisation offers the opportunity to create a more efficient service for creating powers of attorney; however, that process needs to put protecting older and vulnerable individuals at its heart. To that end, I emphasise the need for any digital system to place a premium on accessibility. I hope that we will hear from the Minister on that point.

**James Wild:** So far in this debate, we have all talked about how we are going to be moving to a far more digital system. Unfortunately, the record of the public sector—and in fairness, equally, the private sector—in delivering IT systems has not always been as stellar as we might want. Having been on the Public Accounts Committee for two years, I can certainly attest to that being the case. Does my hon. Friend join me in looking forward to the Minister explaining in his comments where we are in the process of developing this digital system, which, according to the explanatory notes, will only cost £3 million? That is a relatively small figure, so I hope that it is all on track, but does my hon. Friend agree that that is very important?

**Nickie Aiken:** My hon. Friend is absolutely right to highlight those issues regarding the digitalisation of the whole process. We all know that Governments, no matter their political persuasion, do not always have the greatest record in improving digitalisation of this kind, so I look forward to hearing from the Minister on that point. As we all know, he is an able Minister, so I am sure that he is already ahead of the game and knows exactly what he is doing to improve the speed of that digitalisation while keeping it within budget.

The premium on accessibility will be absolutely key for people who are not too familiar with the internet; given that 25% of over-65s do not use the internet, that is a point that we have to make, though as we get older, we are more used to using the internet. A woman who is in her 50s, like I am, is very used to using the internet now. [HON. MEMBERS: “Never!”] I thank my hon. Friends for their kind comments. Likewise, any approach to a multi-channel system needs to work just as efficiently as the digital option.

**Mr Mohindra:** My hon. Friend is making a valuable contribution, as she always does. Does she share my concerns that if people who are not necessarily technology-advanced are seeking support in getting their applications through, there need to be relevant safeguards in place to ensure that those people are not being manipulated, as they would not necessarily have been if the system was purely a paper one?

**Nickie Aiken:** My hon. Friend makes a key point. The Ministry of Justice might want to look at what public-sector organisations, such as libraries and local authorities, can do to help support people—possibly

older or more vulnerable people—who are not au fait with using the internet. That may be something for the Minister to consider eventually as this process continues.

However, I welcome the Bill and what it sets out to achieve. It is tough, and often heartbreaking, when loved ones lose the ability to make their own decisions as a result of mental incapacity. As such, a lasting power of attorney is one of the most important legal documents a person will make, so we need to get the legislation right. I will take this opportunity to provide my own experience with lasting power of attorney. I am the lasting power of attorney for my father and mother. I did that six years ago when my father was diagnosed with Alzheimer’s and it became obvious that he would not have the mental capacity to make decisions for himself as the condition progressed. At a point when he still had the capacity, we organised lasting powers of attorney on health and on the financial side. It is important to make the point that lasting power of attorney is so important in both areas—the financial side and health.

**Chris Clarkson** (Heywood and Middleton) (Con): I am very interested to hear my hon. Friend’s experience with this process. Does she agree with me that, having been through the process, it is needlessly complicated?

**Nickie Aiken:** I thank my hon. Friend for his comments. We went through our family solicitor, who is somebody that we trust and who knew the family. My hon. Friend is absolutely right that the process can be long, and, when not using a solicitor, it can be quite unnerving for some people. It is such a massive and important document. From my own experience, when it came to the end of my father’s life, and there had to be major decisions made on whether to continue his treatment, the fact that I had the final say ensured that the family knew that we were making the decision for my father in his best interests. It was not left to medical professionals. I would absolutely trust a doctor or a medical professional to make that decision, but having the health power of attorney meant that I made the decision on his behalf.

**Mr Mohindra:** My hon. Friend continues to amaze me with the quality of her speech and the points she makes. Does she agree with me that the fact we are discussing what some families may regard as a taboo subject, in this great Chamber, will hopefully give families up and down the country the confidence to start those conversations? As a result, if and when they need power of attorney, those difficult decisions and discussions will have happened well in advance.

**Nickie Aiken:** Again, my hon. Friend is absolutely right. I say to people in this House, and across the country, “Have the conversation now.” Having looked at the Bill and written my speech, I am going to have the conversation with my husband. We never know what is around the corner. I want to ensure that, if anything happened to me, my husband has the lasting power of attorney so that he can make the decisions both financially and for the benefit of my health—and vice versa.

That is what I learnt through the process with my father. When he sadly died last May, because I had the lasting power of attorney for the financial side I could help my mother with all the finances, which made it an

[*Nickie Aiken*]

easier transition. She had never had to do any financial planning or management in the household; it was always down to my dad. I could work with the insurance companies, the banks and the pension providers. It was a fairly seamless transition. One of the positives from the pandemic is that many pension providers and insurance companies will now accept the death certificate via email, so people do not have to keep posting so many copies of the death certificate. I hope the digitisation of the lasting power of attorney will have similar success in making the transition easier when people have to provide information to whoever they are dealing with on behalf of their loved one.

**Simon Baynes** (Clwyd South) (Con): I am struck by my hon. Friend's speech and her reference to her father—I am very sorry about that situation. We had a similar experience with my mother-in-law; my wife and her siblings had lasting power of attorney, which was all the more important as she lived for many years with Alzheimer's. A key point is that the speed with which lasting power of attorney is granted is incredibly important, because a person's condition can sometimes deteriorate very quickly. Does my hon. Friend agree that this Bill is vital in considering ways in which we can speed up the process, which is the key point of digitisation?

**Nickie Aiken**: I agree 100%. We know the progress of conditions such as Alzheimer's and dementia can be slow or rapid, so it is important that we make the process as quick as possible to give the person at the heart of the decision making the reassurance that their family will do everything in their best interest. It also gives the family the reassurance that they have the power to make sure their loved one is as comfortable as possible in their last years.

**James Wild**: My hon. Friend is being generous in taking interventions. Conversations about lasting power of attorney are very important, but does she agree it is also important that more people talk about writing a will so that their financial affairs are in good order? It is on my to-do list every year, and I will do it very soon, but I have not got around to it. I encourage others to do as I say and not as I do.

**Nickie Aiken**: I absolutely agree. We never know what fate has in store for us, and I urge my hon. Friend to put writing his will and arranging a lasting power of attorney at the top of his list, and I promise that I will do the same. I urge everyone in this country to discuss with those closest to them whether they should arrange a lasting power of attorney for each other.

**Chris Clarkson**: My hon. Friend makes an important point that everyone should have these conversations, but not everyone can follow up on them because of the expense of, for example, getting legal advice to arrange a will or power of attorney. She says she was fortunate to be able to use a solicitor, but that will be too expensive for some people. Does she agree that the measures in the Bill will make it much easier for people to access lasting power of attorney without incurring the extra expense and difficulty?

**Nickie Aiken**: Again, I agree wholeheartedly with my hon. Friend. One of the reasons I support the Bill is that I think it will do that. It will give the reassurance we all need as human beings about what will happen at the end of life, or if things go wrong and we end up in hospital without the capacity to make a decision on ongoing treatment. These days, everything in our lives is done digitally, whether it is banking or insurance, and this Bill will enable our partner, a family member or a close associate to get into our bank account, if we are incapacitated for whatever reason, to look after our financial affairs so that our family's lives can go on.

**Stephen Metcalfe**: I am grateful to my hon. Friend for supporting my Bill and being so eloquent in her explanation of some of its effects. She had just moved on to the digital aspect. One of the Bill's effects is to create a digital record of lasting powers of attorney—a digital truth—that will be accessible for those wanting to check LPAs. Those are powerful documents, but there may come a point when someone wishes to take back that power, as the donor, from one of their attorneys and give it to someone else. At the moment, that record would exist in paper form. In future, there will be a digital version, which will be bang up to date. That is an important safeguard.

**Nickie Aiken**: I agree with my hon. Friend, who is responsible for the Bill. Everything we do with it has to improve the situation for those at the heart of the LPA and those who are caring for them. Of course, life changes and someone may be incapacitated from a health point of view but then recover, as we would hope. They could then take back that power. It is so important to have the flexibility and protection in future, so I absolutely agree with the point he makes.

I will now conclude, as I think I have been speaking for long enough. [HON. MEMBERS: "More!"] I could speak for so much longer on this subject, but I know that other Members wish to support the Bill. I believe it does get things right, I support it and I hope to see it become law shortly.

12.51 pm

**Simon Baynes** (Clwyd South) (Con): It is a pleasure and an honour to follow my hon. Friend the Member for Cities of London and Westminster (Nickie Aiken) and to support this Bill, which has been introduced by my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe), who spoke with great vigour in advocating for it and with great experience and authority. I have to declare an interest, because in the merry-go-round of ministerial changes during the year I was briefly a Justice Minister and I conferred with him at the beginning of his journey on this Bill. I am not surprised, but I am delighted, to see the fantastic way in which he has brought it forward. I was also particularly impressed by the way in which he made reference in his speech to all the other people who had spoken during the earlier stages of the Bill. That showed a degree of respect, care and attention to detail in relation to our fellow Members. All of us who participate in the proceedings on these Bills, be it in a Bill Committee or on a sitting Friday, appreciate the sort of respect he has shown to people in bringing forward their ideas alongside his own.



To go back to the excellent speech made by my hon. Friend the Member for Cities of London and Westminster and to my earlier intervention, at the heart of this lies an incredibly difficult period in people's lives. We are talking about processes, digitisation and paper alternatives, but at the heart of this is a time of great vulnerability for people: not only the person for whom the LPA is being sought, but their family and carers. My mother-in-law, like my hon. Friend's father, suffered from Alzheimer's. It is a difficult and confusing time; you do not quite know what to do. It is difficult to decide when to seek an LPA. It almost feels disrespectful to suggest that that person is not in control of their life.

**Nickie Aiken:** My hon. Friend is making an important point. Does he agree that, rather than waiting for someone to get into that situation, perhaps when they are in their 70s or 80s, it is perhaps time that we now—in our 30s, 40s or 50s—think ahead and put together an LPA now, to take away any embarrassment and upset?

**Simon Baynes:** That is an extremely important point, to which I think my hon. Friend referred in her speech. I remember the difficulty we had in reaching the point at which my mother-in-law was actually diagnosed with Alzheimer's. She had to go and have an MRI scan, which she was very scared of doing, and we felt that we were placing an impossible imposition on her by making her go and have the scan, but by then we knew there was something that really needed to be addressed. So there is not only the difficulty of making the decision to seek lasting power of attorney but what leads up to that, which may be the diagnosis of an illness, particularly a dementia-related illness. So I could not agree more with my hon. Friend about the importance of planning ahead.

Although many do not like to think or talk about it, some people will find themselves in circumstances in which they are no longer able to make their own decisions owing to a loss of mental capacity, and obviously the lasting power of attorney exists for that purpose. It was introduced in the Mental Capacity Act 2007 with the aim of making improvements in the previous system of enduring power of attorney, and it constitutes a legal agreement governed by the law on deeds and the Mental Capacity Act 2005. The 2005 Act is designed to protect and empower people who may lack the mental capacity to make their own decisions about their care, treatment and financial affairs, and LPAs have an important role within that framework. This is something that I think we all understand, and indeed have discussed already this morning.

As we have heard from my hon. Friend the Member for South Basildon and East Thurrock and many others who have spoken, the case for change is clear. The existing protections within the LPA system are losing their effectiveness as technology improves and society's attitudes change. There have been a number of references today to the levels of digital technology use by older people. I do not dispute those statistics, but on the basis of my experience I think there may be more people than we realise at the older end of the age spectrum—silver surfers like me—who use computers and digital technology and consider them to be an important part of their lives, and I think that people are becoming more accustomed to obtaining Government services efficiently online.

When I was a parliamentary candidate about 10 years ago, there was a great deal of debate about benefits being paid directly into people's bank accounts, which it was thought would cause difficulties for many people. There was a twin-track approach in that instance, like the one that my hon. Friend is suggesting now, with both a digital and a paper track, but what we found then was that in fairly short order people became used to having benefits paid directly into their accounts without their having to go to the post office or the bank to collect them in cash.

The covid-19 pandemic has of course accelerated this expectation, and has caused many people who were previously unfamiliar with digital technology to embrace new ways of interacting with organisations and public services. A point that may not have been made strongly enough today is that the last two or three years have changed the way in which many of us—particularly older people—find information and assistance.

**Jane Stevenson (Wolverhampton North East) (Con):** I hope I am not going beyond the scope of the Bill, but does my hon. Friend share my concern about local council provision, which has to balance digital accessibility with maintaining access to many services for a generation who are less familiar with tech? On powers of attorney, there needs to be clarity for people who are approaching that time. It cannot be only digital; there needs to be physical help and access. I am concerned that in some services councils provide, such as parking, council tax or green bin collections, they are going digital slightly too quickly.

**Simon Baynes:** I thank my hon. Friend for an excellent intervention, as always. She makes an extremely important point. Many constituents come to me in Clwyd South, as I am sure they come to other hon. Members, to ask for assistance in accessing such services. I agree that maintaining a paper route alongside a digital route is extremely important.

I do think, however, that the covid pandemic has changed how people embrace interactions with organisations and public services. That is reflected in user feedback that the paper-based process is cumbersome, bureaucratic and complex. I have to say that in the brief two months that I was a Minister I had a lot of interactions with the Office of the Public Guardian, and there are big backlogs in the granting of powers of attorney and lasting powers of attorney. I am sure that the Minister is addressing those backlogs with great efficiency and vigour, but I certainly think that the cumbersome, bureaucratic and complex nature of the process is a real issue. If the Bill can bring greater efficiency to the dispatch of business, it will make a big difference.

**James Wild:** From his experience with the Office of the Public Guardian, does my hon. Friend know whether its senior managers have bonuses and performance measures that are linked to delivering the target of a 20-week processing time? That target is so important to so many people, particularly those who are in a vulnerable situation.

**Simon Baynes:** I think it is for the Minister to comment on that point, and I would not wish to tread upon his territory. However, from what I saw when I held the position, I am sure that the OPG is chasing the backlog

[Simon Baynes]

with the greatest efficiency it can muster. One problem, which goes to the heart of the Bill, is that when people work from home, as they did at the OPG during covid, a paper-based system creates huge delay and problems. People can work on a digital system on their laptop at home, whereas with a paper-based system they really need to be in the office. The delay is perfectly fair and understandable in the light of the covid pandemic, which had a particularly acute effect in this case.

**Stephen Metcalfe:** I should apologise for not mentioning my hon. Friend in my speech, because I am very grateful for his help and support with my early work on the Bill last summer. I was very impressed by the knowledge and experience that he had gained in such a short time.

When my hon. Friend was the Minister, was he as surprised as I was while researching the Bill by the sheer volume of paper with which the Office of the Public Guardian has to deal? The forms are cumbersome, with many pages, and the number of applications runs into thousands daily. With 11 tonnes of paper floating around, it is not surprising that there is a backlog. I hope that the Bill will not only help to alleviate that backlog, but prevent it from happening ever again.

**Simon Baynes:** I thank my hon. Friend for his intervention. Yes, I was surprised, but, as he said, it is a cumbersome paper document to fill in. Clearly, the necessity for lasting powers of attorney was increased by the covid pandemic. The fact that people were not able to see somebody in person exacerbated the situation. The forms are also not easy to fill in. The problem that the Office of the Public Guardian has, which is not its fault at all, is that if a form is not filled in correctly, it has to send it back again for changes to be made. Although we can say that that is just bureaucracy run wild, it is not at the end of the day, because this is a vital legal document. The care and support for vulnerable people that it provides means that this has to be done properly, so I fully agree with my hon. Friend.

The modernisation provides the opportunity to update the protections provided by the LPA to align with the new world and the ever-increasing move towards the use of digital technology. There are new opportunities to improve safeguards against fraud, abuse and undue pressure. At the same time, there is the opportunity to make the OPG more sustainable through increased efficiency, and make lasting powers of attorney more widely accessible through multiple channels of creation. Accessibility and safeguards are very important parts of that.

I have two other points to make, then I will call it a day. The consultation received 313 responses and the overall response to the proposals was positive. I am pleased that, as a result of the feedback, the Government feel confident that they can build a modernised LPA service. I take on board the point that some hon. Members have made that creating a new digital service can be quite complicated technologically. There are cases in which there is not a great precedent for that, but this is something that we need to do. Other systems have been created in local councils and central Government, so I am sure that it cannot be that difficult to do it. None the less, the retention of both a digital and paper channel is vital.

I wish to finish by referring to comments made by Stephanie Boyce, the president of the Law Society. My hon. Friend the Member for North West Norfolk (James Wild) also referred to her in his excellent speech earlier. She said:

“LPAs are arguably one of the most important legal documents that a person will make because they delegate such wide-reaching powers over their life.

The consequence of an attorney making a poor decision could be the loss of all their assets, being put into a care home against their current or past wishes, or even their premature death.

We welcome the MoJ’s commitment to improve the speed and accuracy of making an LPA, as well as to continue to provide a paper service. Many people—such as those in care homes or people with learning difficulties—will continue to need to make an LPA via a paper process.

We are pleased the Government is looking at proposals to improve support for those who will struggle with using digital channels, as more needs to be done to ensure the reforms do not negatively impact vulnerable, disabled or older people.”

That is clearly an authoritative voice in support of the Bill tabled by my hon. Friend the Member for South Basildon and East Thurrock and sums up very well how I and, I suspect, many other people here today feel about it.

In conclusion, I wish to thank my hon. Friend again and pay my respect to him for introducing the Bill and for improving the performance of LPAs to the benefit of many vulnerable people, across the whole of the United Kingdom, at a very difficult time in their lives.

1.8 pm

**Chris Clarkson** (Heywood and Middleton) (Con): It is a pleasure to follow for the second time today my hon. Friend the Member for Clwyd South (Simon Baynes). As warm-up acts go, it really is quite unfair to follow somebody so articulate and so well-considered twice and try to look good by comparison.

I wish to pay tribute to, and thank, my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe) for introducing this Bill. I have had the pleasure of participating in the Science and Technology Committee and various other endeavours with him. I know that he takes very seriously any endeavour in which he participates, and this has all the hallmarks of his usual excellent work.

The Bill is pragmatic—it is pragmatism at its finest—as it addresses the key issues and gaps in the current LPA application process through a combination of good sense and innovative technology. I was struck by the fact that the Bill passed its Committee stage on St David’s day and it is having its Third Reading on St Patrick’s day—happy St Patrick’s day, Mr Deputy Speaker. I hope that its next stage will be closer to St George’s day than it is to St Andrew’s day, because we cannot wait for this much longer.

The measures in the Bill will help to reduce administrative burdens and minimise the likelihood of application errors which, as we have heard, can be tortuous and drag the process out for far too long. Most importantly, they will ease the burdens on applicants and their loved ones who find themselves in these unfortunate circumstances. As we heard from my hon. Friends the Members for Cities of London and Westminster (Nickie Aiken) and for Clwyd South, sometimes these situations can move extremely quickly. When someone is going

through a complex and tortuous process, the emotional burden can make it too much to complete the process, leading to the very worst of outcomes.

The Law Society considers these to be some of the most important legal documents that people will ever sign. To that end, I welcome the provision to allow chartered legal executives to perform certification. That will provide more choice and will be much more affordable for people. One of the perversities of the process is that sometimes people feel that they have to commission a solicitor to go through the process and that can be expensive. Someone on a modest income may have financial assets to protect, such as a house, and the wellbeing of a loved one to consider, but may not have the disposable income to get a solicitor. It is wrong that some people may be effectively priced out of the system, and the Bill will go a long way to removing some of the barriers that people have to accessing it.

A case in which that happened came across my desk not long ago. A constituent wrote to me about his experience of a delayed LPA process. During the height of the covid-19 backlog in 2021, I was contacted by a man who had been waiting for more than five months for a decision on his LPA application for his 91-year-old mother who was suffering from dementia. Weary of the process and the delays, my constituent hired a solicitor to complete the application. He had been assured that it was filed correctly. On Second Reading, my hon. Friend the Member for Blyth Valley (Ian Levy) flagged a similar case. My constituent waited months for the application decision while his mother's mental health deteriorated and she was no longer able to manage her finances or health-related arrangements. It then turned out that an error had been made in the process by the solicitor, the forms had all been returned and the process had been in abeyance. My hon. Friend mentioned that he had encountered a similar situation when undertaking this process for a loved one, and he is himself legally qualified. That is how mystifying the process can be. I too have a legal background and have taken a cursory look at what the process involves: it scares the living whistles out of me. As my constituent's mother's dementia became more severe, she had no concept of the value of money or how to pay bills, and was acutely vulnerable to cold callers and scammers, but there were no protections in place for her.

My constituent and his mother are not the only ones dealing with the delays. I am acutely aware that people up and down the country are waiting for certainty. We have all had the conversation—people put off the decision, as they do in making a will, because they do not like to think about their own mortality. They are always waiting for the next time. When my dad was diagnosed with cancer, fairly late, none of these things had been done because everybody thinks that they will live for ever and will get around to it tomorrow. I say to my hon. Friend the Member for North West Norfolk (James Wild), “Get that will sorted asap!”

**James Wild:** I am happy to confirm that I will have a conversation with a solicitor to draw up that will next Friday.

**Chris Clarkson:** Being a good friend of his wife, I am sure she will be very pleased and putting roller skates at the top of the stairs after that date—[*Laughter.*]

The hon. Member for Glasgow North (Patrick Grady) made the interesting point that in some circumstances people do not recognise or accept Scottish lasting powers of attorney. As he probably knows, I got my legal education at Dundee, which is one of the few universities that dual-qualifies its students, so I have a particular interest in ensuring that the two jurisdictions work as closely together as they can. The reality is that most people, when relying on a legal instrument, do not really care whether it is a solicitor in Glasgow or Manchester; they just want to know that their loved one will be looked after. Similarly, people move across the border and have family on both sides. I would welcome a conversation with the hon. Gentleman outside this debate about how we can streamline the process to ensure that this place and the devolved Administrations have some sort of framework to allow it to work properly. I appreciate that there is a legislative consent motion for the Bill.

**Patrick Grady:** I am happy to pick this up with the hon. Gentleman. We recognise that the Bill is not quite the vehicle to deal with this issue in legislative terms, but it has shone a light on the importance of mutual recognition south of the border and of people having powers of attorney in the first place. I assure him that we are all working together on this, and there is consensus.

**Chris Clarkson:** I thank the hon. Gentleman for his intervention and completely agree; there is an outbreak of consensus across the House. These are such important and necessary changes.

I am pleased that my hon. Friend the Member for South Basildon and East Thurrock has made provision for maintaining the paper route, with a fluid system in which it is possible to use both paper and digital. It is not just older people who sometimes struggle with accessing or using technology, although I have been approached repeatedly by constituents who are upset or concerned that they are not able to access the full range of services from various providers for that reason. There is also a digital divide. I represent a constituency that is not particularly affluent. There are people who simply do not have access to the technology or might not have had sufficient training in using it to feel confident going through this process, whereas if somebody can sit down with them and go through a form, they have the certainty that it is being dealt with properly, so I am pleased that my hon. Friend has maintained that route.

The Bill strikes the balance between improving the efficiency and processing times of applications and minimising the dangers of fraud. These circumstances are never easy—they are often some of the most heartbreaking and challenging situations, where loved ones are simply losing capacity and people have to make difficult decisions about what happens to them next. The Bill is a step in the right direction. It eases the burdens on individuals and takes away some of that difficulty and stress. It removes some of the expense, which blocks some people from accessing this, and gives people flexibility and choice. I strongly commend the Bill to the House and thank my hon. Friend the Member for South Basildon and East Thurrock for his diligent work on it.

1.16 pm

**Anna Firth (Southend West) (Con):** It is a pleasure to speak in support of this incredibly important Bill. I pay tribute to the brilliant speech we just heard from my hon. Friend the Member for Heywood and Middleton



[*Anna Firth*]

(Chris Clarkson), who spoke with such fluency and detail about this topic that there is little anyone now needs to say. That puts me in the difficult position of trying to follow him, but there are a couple of points that I want to emphasise.

I am extremely pleased to see my hon. Friend the Member for Castle Point (Rebecca Harris) on the Treasury Bench and to see my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe), whose Bill we are supporting today. It is terribly important to have such a strong showing from Essex when discussing this important topic, and that is not just some “TOWIE”, collegiate Essex chest-beating, important though that always is. It is because 21% of people in Essex are over 65, compared with just 18.5% in England as a whole. With that higher than average age profile, there is a higher call for lasting powers of eternity—sorry, attorney; I am going off in another direction!

That thread of evidence runs through Essex. Some 21% of my constituents are aged 65 and over, and 1.5% are over 90. If we look at age-related disease in the new powerhouse city of Southend and picturesque Leigh-on-Sea, we see that 1.2% of people are registered as having dementia, which is 50% higher than across the country as a whole. That makes the Bill incredibly important for people in Essex. While we do not like to talk or think about such things, clearly it is vital for my constituents that their rights and freedoms are protected and that they can take early action to appoint people they trust to act on their behalf.

My hon. Friend the Member for Clwyd South (Simon Baynes) also spoke brilliantly—so brilliantly that I had to write down the point he made. He is right to say that the existing protections within the lasting powers of attorney system are losing their effectiveness as technology improves and society’s attitudes change. People are now accustomed to being able to obtain Government services online; not only are we working online much more, but we want the convenience of being able to fill in the forms when we happen to have a spare half-hour or hour, whether morning, noon, night or even in the wee small hours. The system has to come up to date and become less cumbersome, bureaucratic and complex.

In particular, the requirement to sign the lasting powers of attorney in a particular order presents many logistical difficulties. I remember well with my mother’s and father-in-law’s powers of attorney how all the documents turned up and we needed to focus and get them in the right order. If we had all done it at the same time online, it would have been so much easier. I am delighted that this Bill is before the House and that it will facilitate three things: first, and importantly, improvements to safeguards; secondly, a simpler process and better access for all involved; and, thirdly, making the Office of the Public Guardian more sustainable.

The only word of warning I would add is about ensuring that there is support for people going through the process electronically. That is why I am particularly pleased to hear that we will have both a digital and a paper channel available. I think of my own mother, who is an academic doctor in her own right and a powerhouse in her 80s; the fact that it was a paper process, and that she did get a lawyer, put her in control and meant that

she understood it all. Even though she was doing something that she perhaps did not particularly want to be thinking about, she was in control.

My slight worry is that, if we were to go fully digital, people might feel additional stress and pressure at a time when they are perhaps considering their own mortality—not the happiest of moments—and they would probably have to turn for help to the very people to whom they were looking to give the power of attorney.

**Jane Stevenson:** My hon. Friend is making an excellent speech and I thank her for her tribute to her mother, who sounds like an inspirational woman. My mother is also in her 80s and is very tech-minded—she is a bit of a silver surfer powerhouse. Does my hon. Friend agree, however, that as we move to digital, especially in provisions for older people, we must also raise awareness of any scams and any potential abuses or misuses of that new technology, and that education is crucial?

**Anna Firth:** I am delighted that my hon. Friend has made that point, because I was about to come on to the two other issues with digitisation and why it is so good that we are keeping the paper channel for the time being. One issue is the 8 million-odd people who are not online at all, and the other issue is scams. Even my mother often calls me to run through something that someone has rung her up about or put on the computer. She needs that extra person to say, “That is complete nonsense.” She is lucky that she has family around her to do that, but there are plenty of people in their 80s who do not. I agree with my hon. Friend’s point.

Much has been said—almost everything that could be said—in support of this important Bill, which leaves me to say only, once again, that I am delighted to support it and to see support from hon. Members on both sides of the House. It is an important change to the legislation that will make a genuine improvement to the lives of my constituents in Southend West and will provide them, I hope, with the peace of mind that they need to ensure that their wishes, values and views will be represented, even when they can no longer make decisions for themselves.

**Mr Deputy Speaker (Sir Roger Gale):** I call the Opposition Front-Bench spokesperson.

1.25 pm

**Steve Reed (Croydon North) (Lab/Co-op):** I start by wishing right hon. and hon. Members, and you, Mr Deputy Speaker, a happy St Patrick’s Day. I congratulate the hon. Member for South Basildon and East Thurrock (Stephen Metcalfe) on securing his private Member’s Bill and on his success in progressing it through the legislative stages with Government support. We look forward to that continuing in the other place.

We have had an interesting debate. I congratulate hon. Members who have taken part and made important contributions. The provisions in the Bill are much needed and Labour is pleased to support them. A lasting power of attorney ensures that an individual’s personal wishes and preferences can be considered when capacity is lost, which can massively reduce the stress and anxiety for their family through an extraordinarily difficult time. The process for making and registering a lasting power of attorney, however, has long been due an update. The

current paper-based process is extremely confusing and bureaucratic, and often increases rather than reduces the family's stress.

We therefore wholeheartedly welcome the modernising measures that the hon. Member has brought before the House. We need to plan now for the challenges that will face our legal system in the coming decades. I hope that these changes will help to future-proof our system and ensure that the caseload of the Office of the Public Guardian, which is already beset by delays and backlogs, does not become completely unmanageable as our population continues to age and the number of people living with illnesses that affect capacity increases.

Currently, about 900,000 people in the UK have a diagnosis of dementia, and almost every hon. Member present will know someone living with that incredibly destructive and debilitating condition. According to Dementia UK, that number will rise to more than 1 million people by 2025, and it is projected that it will have increased to more than 1.5 million by 2040. It is clear that the need and demand for lasting powers of attorney will increase significantly in the coming years, so the creation of a digital process to streamline much of the work is a necessity. I was astonished to read in the Minister's response in Committee that the paper burden on the Office of the Public Guardian stands as high as 11 tonnes of paper at any one time, which is clearly unsustainable and certainly not how a modern Government body should be working.

I am glad that the hon. Member has ensured that the paper route will remain in place for all those who need it. Current figures suggest that about a quarter of those over 65 do not have easy access to the internet. We are all aware of the challenges that our digitally excluded constituents can face when trying to engage with online Government systems. As we have discussed, applying for an LPA is a stressful and difficult process at the best of times, so it is right that the paper route is kept open so that our constituents can apply through whichever means most suits them.

I am also pleased that the Bill will amend section 3 of the Powers of Attorney Act 1971 to enable chartered legal executives to certify copies of powers of attorney. They are legal professionals who can carry out many of the same services as solicitors, so it is good to see that inconsistency being addressed.

Finally, I turn to the issue of safeguards in the process. The hon. Member's Bill builds in a number of welcome safeguards, including the introduction of identity verification, restricting who can apply to register the LPA and changes to the objections process. However, the Law Society has some additional concerns around safeguarding and it has suggested several additional measures that it believes would help safeguard vulnerable people from exploitation. I would be grateful to hear the Minister's thoughts on these matters when he responds at the end of the debate.

Has the Minister considered amending the Mental Capacity Act 2005 to make it clear that the certificate provider has a responsibility to confirm that the donor has the mental capacity to make an LPA? Can he confirm whether future guidance on the role of the certificate provider will include questions for them to ask the donor that will test whether they can rely on the presumption of capacity? Finally, what steps is the

Minister taking to ensure a certificate completed by a certificate provider for an LPA application shows that the certificate provider has been satisfied that the donor understands the information relevant to the decision to execute the LPA, can retain that information, and is able to use and weigh up that information as part of the process of making that decision?

We welcome the Bill of the hon. Member for South Basildon and East Thurrock, but it is clear that more can be done to improve matters of safeguarding in relation to LPAs. Today's Bill is certainly a step in the right direction: we need a lasting power of attorney system that is fit for the future and protects the vulnerable individuals it is intended to serve.

1.31 pm

**The Parliamentary Under-Secretary of State for Justice (Mike Freer):** First, I thank my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe) for his sterling work on this valuable Bill in steering it through to this stage; he has done an amazing amount of work in the background and in the Chamber and in Committee to ensure it has obtained cross-party support, and I am extremely grateful for that.

I am sure I speak on behalf of many in saying that it is difficult to talk about and plan for a time when we might no longer be able to make our own decisions due to the loss of mental capacity. It is clear that we all recognise that a lasting power of attorney is a vital resource. We also recognise the importance of ensuring that the process for making one has sufficient safeguards while remaining accessible and efficient. As my hon. Friend highlighted, however, there are a number of problems facing the current system for making and registering an LPA. These problems can be summarised in three points: outdated safeguards; confusing paper forms; and an unsustainable volume of forms for the Office of the Public Guardian to deal with. The service needs to be modernised: the volume of paper is such that the system is rapidly reaching the point where it is no longer fit for purpose.

The Bill effectively tackles those problems by facilitating changes to the service to make and register an LPA. The introduction of a digital channel will make it easier for users to create and register their LPA. However, I hope my hon. Friend has reassured those with concerns that modernisation does not mean removing all traces of paper; instead, it promotes an enhanced paper channel so that donors, attorneys and others involved can have a choice of using a digital or paper route, depending on their needs. I am greatly in favour of this fluid system as it is important to increase access to this important service so that everyone who wants or needs an LPA can have one.

My hon. Friend has also eloquently summarised ways in which this Bill strengthens protections for the donor. It gives assurances that the process for making an LPA has sufficient safeguards, for example allowing anyone with a legitimate concern to raise an objection with the public guardian. Along with restricting who can apply to register an LPA just to the donor and the introduction of identity checks, the changes will build in more confidence that the system will better protect individuals from coercion or abuse.

[Mike Freer]

It is important to ensure that the public guardian can successfully operate the new service. I am grateful for my hon. Friend's comments about the current burden on the public guardian. I have seen for myself when visiting the Office of the Public Guardian the receipt of 4,000 envelopes a day, each containing 18 pages of paper—that is nearly 80,000 papers a day having to be processed. A number of colleagues have commented on the backlog. I can reassure colleagues that the Office of the Public Guardian has been working throughout covid. It does use technology: it uses a three-shift system to ensure that the office is manned for up to 18 hours a day, to ensure that these vital applications are processed as safely, as securely, and as fast as possible. However, the use of electronic registration for LPAs will help reduce that burden and build resilience into the process, making the public guardian much more sustainable.

I should also mention the support that these provisions have received. It is especially pleasing that everyone supports chartered legal executives being allowed to certify copies of the power of attorney. I agree with what my hon. Friend said about the utility of that provision. I recognise that a power of attorney is a very important legal document and that it is important to maintain public confidence in the security of the process, but let me also say quite clearly that the proposed change to the legislation does not affect the contents of the power of attorney. It ensures that chartered legal executives who support their clients to prepare the original document can also legitimately certify that a copy is a true and complete copy of the original.

Before closing, I will address some of the issues raised by Members. The shadow Secretary of State for Justice, the hon. Member for Croydon North (Steve Reed)—I am pleased to see him in his place today—raised the issue of capacity assessment. That is quite a detailed issue, so I will write to the hon. Gentleman with much more detail, but the certificate provider is required to ensure that the donor understands the purpose of the LPA and the scope of the authority conferred under it. Obviously, there is a raft of other provisions, so without detaining the House, I will ensure that the shadow Secretary of State gets a full response in due course.

The hon. Member for Glasgow North (Patrick Grady) raised a very good point, both today and in Committee, about the recognition of Scottish powers of attorney in England and Wales. I can confirm that legislation is already in place that allows for the recognition of Scottish powers of attorney in England and Wales. Paragraph 13 of schedule 3 to the 2005 Act provides that where an individual is habitually resident in another country to which England and Wales is a connected country—which would include Scotland—the law applicable to the power's existence is the law of the other country, so both are recognised. However, I accept that institutions do not always recognise that duality. Not only will we address that point as part of our engagement, particularly with banks and the insurance sector, to ensure that those organisations are aware of the new changes we are making, but we will reiterate the legitimacy of Scottish powers of attorney. As requested, I will place a copy of that letter in the Library.

My hon. Friend the Member for North West Norfolk (James Wild) quite rightly welcomed the retention of the paper process. I would also say that the digital

process is increasingly important if we are to ensure that the Office of the Public Guardian is fit for purpose. My hon. Friend asked what stage we are at with the new digital system; the development of that system is ongoing, and the cost given in the explanatory notes, which he mentioned, is correct. I know he has spent some considerable time looking at IT problems that the Ministry of Justice is involved in, and if he wishes it, I am happy to ensure that we can have a more detailed briefing on how the new system will work.

My hon. Friend the Member for Guildford (Angela Richardson) also raised the issue of the 11 tonnes of paper, but having seen the scanners in operation, I can reassure her that it is quite an impressive operation. Literally every envelope with its 18 pages is scanned through at speed, so that the processors can see them online. My hon. Friend the Member for South West Hertfordshire (Mr Mohindra) mentioned Age UK. It is correct to pay tribute to the work that that charity has done, and it did recognise that the paperwork system is cumbersome. That paperwork is often being embarked upon at a difficult stage, and it is right that we streamline it but, equally, ensure that the verification of the people involved is as secure as possible. I reassure my hon. Friend that there is a system—I keep calling it the one-touch system—through which one can check on where the system is, and on verification.

I cannot mention all hon. Members' contributions to the debate, but I do want to respond to the speech of my hon. Friend the Member for Cities of London and Westminster (Nickie Aiken). So often in this place, we deal with dry, technical issues, but our job is not just to vote things through: it is to ensure that the legislation we are voting for is rooted in changing people's lives. The personal testimony that my hon. Friend brought to the debate demonstrated why we are here: it makes for better law if we have personal experience or testimony from those we know—from our constituents—to bring our legislation to life. I reiterate, on her point about battling institutions, that we will continue to engage with banks and insurance companies. I thank her for her personal and powerful perspective.

Finally, I thank all colleagues for their support and all those who took part in the debate—I am sorry that I cannot address all their points. I thank the officials who have assisted in the passage of the Bill, as well as the previous Ministers who have been involved in the process. I hope that the Bill's passage has made it clear that modernisation is a necessity for improving user experience, protections and accessibility.

Let me take this final opportunity to reiterate the Government's wholehearted support for the Bill and our thanks to our hon. Friend the Member for South Basildon and East Thurrock.

1.40 pm

**Stephen Metcalfe:** With the leave of the House, I will say a final few words. It has been an absolute privilege to take the Bill through the House. I am sure that we all wish it well on its journey into the other place, where I am sure—or I hope—that it will receive the same level of support.

As we have heard, with only a small number of clauses, the Bill is relatively narrow in scope, but it is none the less an important Bill that will do some



important things. It will put the Office of the Public Guardian on a sustainable footing, create a digital channel for the creation, registration and checking of lasting powers of attorney, and allow chartered legal executives to have a role in that process.

I thank all those who have helped to get the Bill to this point, particularly the Minister and the shadow Minister, and, of course, all the officials and those from outside organisations who have offered help and advice. I thank, of course, my colleagues from both sides of the House, including the hon. Member for Glasgow North (Patrick Grady) and my hon. Friends the Members for North West Norfolk (James Wild), for Guildford (Angela Richardson), for South West Hertfordshire (Mr Mohindra), for Cities of London and Westminster (Nickie Aiken), for Clwyd South (Simon Baynes), for Heywood and Middleton (Chris Clarkson) and for Southend West (Anna Firth). I will not go through why they have all made important contributions to the debate, but—needless to say—I give a big thank you to them for their support, and to all those who served on the Committee, which allowed us to get to this point.

I look forward to the Bill's becoming law in due course and making the system of creating and maintaining lasting powers of attorney more sustainable and more deliverable in future.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

## Animals (Low Welfare Activities Abroad) Bill

*Bill, not amended in the Public Bill Committee, considered.  
Third Reading*

1.42 pm

**Angela Richardson** (Guildford) (Con): I beg to move, That the Bill be now read the Third time.

The United Kingdom has some of the highest animal welfare standards in the world, and I am proud of the record set by this country and this Government. In recent years, we have taken great strides in improving standards further with important legislation, including the Animal Welfare (Sentience) Act 2022, the Glue Traps (Offences) Act 2022 and, indeed, the Hunting Trophies (Import Prohibition) Bill, which I was pleased to see pass its Third Reading earlier. I congratulate my hon. Friend the Member for Crawley (Henry Smith) on his Bill passing to the other House.

I wish once again to bring the attention of the House to the matter of low welfare animal activities in overseas tourism. Currently, there is no statutory provision in England or Northern Ireland to regulate the advertising or sale of animal activities abroad. This Bill will change that. It has been left to individual travel companies to decide whether to promote activities that could include low welfare conditions, such as elephant rides.

ABTA—the largest travel association in the UK, representing almost 4,000 brands, from small independent travel agencies to the household names—has set out guidelines on animal welfare. The guidelines outline three areas—unacceptable practices involving captive animals, unacceptable practices involving animals in cultural events and activities, and unacceptable practices involving free-roaming wild animals—and it encourages travel agents to work with their suppliers to foster good welfare practices. ABTA's 2022 "Holiday Habits" report highlighted that 70% of travellers cite their holiday's impact on animal welfare as a concern.

Individual companies have put in place their own policies on the advertising of animal experiences abroad, and I will note a couple of examples. Tripadvisor now prohibits selling tickets to, or generating booking revenue from, specific experiences, including experiences involving physical interaction with animals in captivity and experiences in which wild or endangered animals are forced to perform unnatural tricks or behaviours in front of the public, or are treated as a live circus or entertainment act, to name a few. Expedia Group has also set out its own criteria for animal experiences.

Although I welcome the intention of the ABTA guidelines and the action taken by individual companies, it is important to note that the guidelines remain entirely optional and can be selectively applied. The Bill provides a more uniform, mandatory approach. The scale of animal cruelty in wildlife tourism cannot be overestimated. World Animal Protection's 2016 report, "Checking out of cruelty," was the first piece of global research on this issue. The report found that three in four wildlife tourist attractions involve some form of animal abuse or conservation concerns, and that up to 550,000 animals are suffering in these venues. It estimated that approximately 110 million people visit cruel wildlife tourist attractions every year, and that the vast majority of them will be

[Angela Richardson]

unaware of the poor conditions or abuse to which animals may be subjected once they have returned to their accommodation. It is clear that we need to act on this issue.

The Government's action plan for animal welfare, published in 2021, recognised that fact and set out their intention to make sure businesses do not benefit from selling attractions, activities or experiences involving the unacceptable treatment of animals. The Bill was introduced in June 2022, after which we had a very patient wait for Second Reading. The Bill has continued its journey through the House over the past two months, and I welcome its swift, unamended progress.

Back in January 2023, my hon. Friend the Member for Crawley led an Adjournment debate on the welfare of animals in tourist activities, and it was encouraging to hear supportive contributions from both sides of the House and, indeed, from the Government. The Bill had its Second Reading shortly afterwards, with a similar reception.

Outside the House, the charity Save the Asian Elephants, led by CEO Duncan McNair, handed a petition to No. 10 Downing Street, signed by 1.2 million people, calling for a ban on UK firms marketing holiday venues that specifically exploit elephants. I am delighted to see Mr McNair in the Gallery, supporting this Bill.

The Bill passed Committee just last week. I am extremely grateful to the Members who took time out of their Wednesday morning to support its passage. I take this opportunity to thank my hon. Friends the Members for Clwyd South (Simon Baynes), for Meon Valley (Mrs Drummond), for South Ribble (Katherine Fletcher), for Henley (John Howell), for Loughborough (Jane Hunt), for Northampton South (Andrew Lewer) and for West Dorset (Chris Loder), as well as the hon. Members for Plymouth, Sutton and Devonport (Luke Pollard) and for Halton (Derek Twigg), for their support.

Although the Bill does not represent a ban in and of itself, it creates the framework that the Department for Environment, Food and Rural Affairs in England and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, or the Secretary of State acting with their consent, can use to ban the advertisement of tourist activities abroad that infringe upon animal welfare standards. Through secondary legislation, the relevant Departments will be able to introduce species-specific bans, based on collated evidence from industry stakeholders and others, that can be scrutinised in this House.

Although we cannot enforce our laws in other sovereign states, there are actions we can take domestically to protect animals, including by passing this Bill. We can work domestically to steer the market away from promoting these experiences and towards a travel industry that is more conscious of animal welfare, supporting both tourists and suppliers to make more informed decisions about what to buy and offer respectively. By reducing the visibility of low-welfare experiences on our high streets and in brochures, we can encourage different choices for tourists.

It is important to bring the attention of the House to some of the conditions and treatments that animals are subjected to across the industry. A briefing note provided

to me in Committee by Save the Asian Elephant and other animal welfare charities put forward 12 recurring themes in the keeping of animals in low-welfare facilities for use in tourism. Animals are taken from the wild, which harms the animal, local wildlife populations and people. Mothers are killed, injured or harmed simply so that their infants can be captured. Breeding mothers are kept and forced to raise their young in low-welfare facilities, as opposed to in the wild. Infants are taken from their mothers far too young. There is a high mortality rate among animals that are in transit or traded. Animals are kept in situations that are unnatural to them, including close captivity, which can be particularly harmful to long-lived species and to those accustomed to a large range in the wild.

Animals are forced to perform unnatural behaviours. The threat of fear, pain or drugs is used to control or train animals. Methods of domination are used to traumatised or subdue them. Animals are closely handled by several untrained people and often they are given no option to retreat. There is a risk of zoonotic disease transmission from animals, particularly when they are used as photo props and handled by large volumes of people. Finally, animals that are no longer used for exhibition are kept in cruel surroundings, or killed before they have reached the natural end of their life. The 12 themes paint a picture of experiences that none of us would wish on an animal in the wild. The legislation will result in fewer animals being treated in that way, by bringing about less consumer demand for experiences based on low-welfare treatment.

Under our own legislation, the conditions that these animals are kept in would be considered unacceptable. Section 9 of the Animal Welfare Act 2006 outlines the five needs of an animal:

- “(a) its need for a suitable environment,
- (b) its need for a suitable diet,
- (c) its need to be able to exhibit normal behaviour patterns,
- (d) any need it has to be housed with, or apart from, other animals, and
- (e) its need to be protected from pain, suffering, injury and disease.”

The activities abroad would fail the test we set ourselves at home, and it is imperative that we do what we can to remedy those animal welfare abuses.

We have sadly seen too many tourists injured or killed by animals that have been kept in low-welfare conditions, including Andrea Taylor, who was killed by an elephant during a ride experience in 2000. Andrea is just one of at least 700 people who have been killed by elephants alone, with a further 900 experiencing sustained catastrophic injuries. Treating animals humanely and properly benefits not only the species themselves but the tourists who wish to see them. The Bill is a first step in a long journey.

There are, of course, ways in which the legislation could go further. As the world of online influencers and click-throughs develop, we should look at the ways we can enhance the legislation. But today we must get the framework in place. I know there will be those who are disappointed that the legislation we send to the other House today will not cover Scotland and Wales. The intentions of the Bill are widely supported, and I hope that Scotland and Wales will join us in legislating against such advertisements soon. I welcome the remarks by

the Cabinet Secretary for Rural Affairs and Islands in the Scottish Government last week, saying she is open to similar proposals being introduced in Holyrood.

To conclude, I take this final opportunity to thank the officials at the Department for Environment, Food and Rural Affairs for their continued assistance throughout the process. I thank the Ministers, my hon. Friends the Member for Copeland (Trudy Harrison) and the Member for Taunton Deane (Rebecca Pow), for their passionate support of the Bill, as well as every Member who has contributed to the Bill through its Commons journey. I also thank organisations such as Save the Asian Elephant and World Animal Protection for their continued support of the legislation and for providing their research, which has been invaluable. I welcome the cross-party support that the Bill, like other recent private Members' Bills, has commanded. In that spirit, I hope colleagues across the House will support the Bill. I look forward to seeing its progress in the other place.

1.54 pm

**Jane Stevenson** (Wolverhampton North East) (Con):

I am delighted to have the chance to speak in support of this important Bill on behalf of the constituents who write to me so regularly with animal welfare concerns, from squirrels and hedgehogs to polar bears and penguins. We are a nation of animal lovers, and although animal welfare may be a small part of what we do in this place, it is certainly important to a vast number of our constituents.

I commend my hon. Friend the Member for Guildford (Angela Richardson) for getting her Bill this far. We cannot control what happens in other countries, but at least the Bill will go a short way towards ensuring that tourists from the United Kingdom are aware of what their experiences are funding. In my previous career, I was lucky to travel extensively, and I saw good and bad examples of this sort of tourism. In Zimbabwe 20 years ago, I was lucky enough to visit the Hwange game reserve, where there were some great conservation activities. I went on an elephant safari while I was in Zimbabwe, and the elephants seemed to be treated extremely well and left to roam wild, but it is important that we know that animals are not being abused.

I know that many colleagues want to speak in support of the Bill and we will soon run out of time in this Session, so I will conclude by backing up what my hon. Friend is doing and by paying tribute to my hon. Friend the Member for Crawley (Henry Smith) for his crucial Hunting Trophies (Import Prohibition) Bill, which received its Third Reading this morning. Our party has a lot to be proud of, with all the animal welfare progress that we have made in this Parliament. I also thank the Minister, who I know is an absolute animal lover, like many of us on the Government Benches.

1.56 pm

**Aaron Bell** (Newcastle-under-Lyme) (Con): It is a pleasure to follow my hon. Friend the Member for Wolverhampton North East (Jane Stevenson). Today, St Patrick's Day, has been a very good day for animals around the world. I pay tribute to my hon. Friend the Member for Guildford (Angela Richardson) for this Bill, and to my hon. Friend the Member for Crawley (Henry Smith) for his success with the Hunting Trophies (Import Prohibition) Bill. I was not able to speak on

that Bill earlier today, but I put on the record my support for it; I share the hope of the former Secretary of State, my right hon. Friend the Member for Camborne and Redruth (George Eustice), that the House of Lords will not hold it up at all. I hope the same for this Bill.

The UK has some of the highest animal welfare standards in the world. Two centuries ago, this House passed the Cruel Treatment of Cattle Act 1822; last year, as my hon. Friend the Member for Guildford said, we passed the landmark Animal Welfare (Sentience) Act 2022; and there have been a host of measures in between. We are indeed a nation of animal lovers. I know that my constituents in Newcastle-under-Lyme feel strongly about these issues, and the same applies nationally: 72% of respondents to a YouGov poll last May said that they wanted the Government to

“pass more laws designed to improve animal welfare and protect animals from cruelty.”

The Bill, which has rightly received significant cross-party support, builds on the Government's excellent track record on animal welfare. I pay tribute to the Minister and look forward to her response.

Let me address one issue—I was going to call it the elephant in the room, but that is a terrible, terrible joke. We cannot enforce our laws in other countries. I should make it clear that this Bill will not criminalise Brits abroad who might take an elephant ride, say, but later regret it and realise that perhaps it was exploitative. That is not what the Bill seeks to do; it seeks to prevent the advertisement of such things. The Bill of my hon. Friend the Member for Crawley takes a similar approach. I heard with respect the points that my hon. Friend the Member for North Herefordshire (Sir Bill Wiggins) made earlier about not trying to be cultural imperialists, but we are entitled to make a stand in this place, and we are entitled to say what we consider it acceptable to advertise and promote in this country.

With the import prohibition on hunting trophies, and with this Bill to ensure that we do not advertise low-welfare activities abroad, we are doing the right thing to stifle the demand that causes such grave animal suffering. The Government are right in their commitment to continue to raise the bar and take the rest of the world with us, just as we set out to do when the action plan for animal welfare was announced. I am very pleased to support both Bills today.

1.59 pm

**Katherine Fletcher** (South Ribble) (Con): I pay tribute to my hon. Friend the Member for Guildford (Angela Richardson) for her excellent championing of the Bill. Time is against us, so I will raise just two points.

First, I wish to emphasise the cruelty that the Bill seeks to prevent. As the House may know, I worked as a safari ranger—a field guide—in South Africa and Mozambique in 2008. On my time off, I visited a vineyard, only to find two cheetahs, probably drugged, in a cage, being offered to a drunken tourist to pat at 50 quid a pop. That is not their natural environment. I would not like to see that advertised in this country. Perhaps the Minister will say something about that when she responds to the debate, or when the Bill is in Committee—and I thank my hon. Friend again for allowing me to serve on the Committee. I hope we can use the Bill as an opportunity not only to criminalise



[*Katherine Fletcher*]

advertisements that seek to exploit animals but to help educate the public about what animal distress looks like, which may enable them to make positive choices when they are abroad.

May I offer one small suggestion from my previous experience? If you see an elephant with liquid streaming down the side of its face, it will be in musth if it is a bull elephant, but if that is not the cause, it is an incredibly stressed elephant. I have seen pictures advertising elephant rides in which every single elephant has a stream of liquid running down its face because it is so frightened. I say to the Minister and to the British public: please pay attention, because if things do not look right, the animal is probably telling you that they are not.

2 pm

**Chris Clarkson** (Heywood and Middleton) (Con): Many Members want to contribute, so I will not speak at length.

I thoroughly welcome this Bill introduced by my hon. Friend the Member for Guildford (Angela Richardson), and I thank my hon. Friend the Minister for the personal passion with which she deals with this issue. As has already been said, the British people are animal lovers: this is a country that has a Royal Society for the Prevention of Cruelty to Animals but only a National Society for the Prevention of Cruelty to Children, which tells us everything we need to know.

An important point arose during our earlier debate on the Hunting Trophies (Import Prohibition) Bill, tabled by my hon. Friend the Member for Crawley (Henry Smith). There are still advertisements out there showing what is effectively a price list for animal cruelty, which I find staggering in this day and age. Sadly the days when we could legislate for other countries are long gone, but, as we heard from my hon. Friend the Member for Newcastle-under-Lyme (Aaron Bell), we can make a stand. I think it important for us to send a signal that our British values where animals are concerned are core to our identity, and that we will not stand for this kind of cruelty.

2.1 pm

**Anna Firth** (Southend West) (Con): It is a great pleasure to be called to speak about this important Bill, and I add my congratulations to my hon. Friend the Member for Guildford (Angela Richardson).

This has been an incredible day for animal welfare, and it has been a privilege to debate two Bills that will help to improve the lives of animals. As a patron of the brilliant Conservative Animal Welfare Foundation, a position also held by my much-loved predecessor Sir David Amess, I know of the struggles that animals have had to endure both here and abroad. I pay tribute to the founders of that organisation, Lorraine and Chris Platt—I see Lorraine in the Public Gallery—for the huge amount that they have done to safeguard and raise awareness of animal welfare, both in the UK and abroad. On Wednesday I was privileged to speak at an event connected with their campaign to ban the use of pig farrowing crates in this country, and I hope that that ban will happen very soon. It was also an honour to support, earlier today,

the Hunting Trophies (Import Prohibition) Bill, tabled by my hon. Friend the Member for Crawley (Henry Smith).

All of us in this place can be proud of the huge strides we have made towards improving the lives of animals in the United Kingdom, and since we have left the European Union we have been able to make even greater progress. The Bill is greatly needed. A quick Google search brings up numerous websites offering elephant rides, which, as we all know, are not a harmless activity. Only last week, the Wildlife Friends Foundation Thailand released a picture of Pai Lin, a 71-year-old female elephant whose spine has become disfigured after 25 years of working in the tourism industry. Being forced to carry up to six tourists at a time has caused irreversible physical damage to her spine. The Bill will stop companies being able to advertise trips like that, and will, I hope, prevent elephants like Pai Lin from enduring this appalling suffering.

Let me end by saying how proud I am of the animal rights record of successive Conservative Governments and how strongly I support the Bill, and by congratulating my hon. Friend the Member for Guildford again on bringing it to us today.

2.3 pm

**Simon Baynes** (Clwyd South) (Con): I will be extremely brief. It is an honour to support this Bill, particularly after being able to support the Hunting Trophies (Import Prohibition) Bill, promoted by my hon. Friend the Member for Crawley (Henry Smith), earlier this morning. It was a great pleasure to serve on the Bill Committee, with this whole process having been expertly steered through the House by my hon. Friend the Member for Guildford (Angela Richardson).

I wish to make three quick points. First, the RSPCA has strongly supported the Bill, saying:

“We believe it will advance the cause of animal welfare and could lead to preventing the suffering of millions of animals worldwide.”

Secondly, World Animal Protection supports a ban on the UK advertising, saying that up to 550,000 wild animals a year are suffering for tourists’ entertainment in wildlife attractions worldwide, so this is very important. My third and final point is that as a Welsh MP I hope the Welsh Senedd will follow suit. It is an honour to support this Bill, which will be of great benefit to animal welfare around the world. It has my wholehearted support.

**Mr Deputy Speaker (Sir Roger Gale):** I call the Opposition Front Bench.

2.4 pm

**Alex Sobel** (Leeds North West) (Lab/Co-op): Let me start by commending the hon. Member for Guildford (Angela Richardson) for bringing the Bill to this stage, and I hope we can get it a quick and successful conclusion and send it on its way. I am grateful to have this second opportunity to progress measures for international animal conservation today, after the earlier Bill from the hon. Member for Crawley (Henry Smith)—I hope this one will have the same success. It is a shame, though, that this legislation has to come via a private Member’s Bill. This measure, as well as the one on trophy hunting and

many others, was due to be in the animals abroad legislation that was promised to us by the Government, which would have tackled so many different animal conservation issues. It is a shame that we are having to do things this way, through private Members' Bills, rather than through a rounded approach with a single Government-backed Bill. However, we are where we are and we should persevere with the other issues when we have the opportunity.

Riding elephants, running with wild animals and swimming with dolphins all are part of the human spirit that seeks new thrills, but the wildlife tourism industry is responsible for the exploitation of hundreds of thousands of animals each year: dolphins are forced to live in cramped conditions; big cats are drugged and have their claws pulled off; and elephants are violently mistreated, as we have heard. This problem is an international one, but our citizens and companies are centrally involved with advertising, promoting and selling experiences, usually to unknowing consumers; UK travel companies are complicit in this cruelty, and there are so many examples of cruelty arising from this practice.

The hon. Lady spoke about the 12 themes, so I will not repeat them. However, reducing the effect and occurrence of those themes is surely reason enough to pass this Bill. I have not tabled any amendments, but there are some technical improvements that the Minister should consider so that we do not have loopholes in the Bill. It could include a provision to restrict the defence to those who sell these experiences in the ordinary course of a business or occupation of selling publications; it could extend the definition of "advertisement" to include any material, in any form, that promotes or encourages in any way the observation of, or participation in, a banned activity, and any material referred to in the advertisement or linked to it in any manner; it could give enforcement officers and the courts power to order the publication of correction notices and give power to the Secretary of State to make regulations specifying matters relating to correction notices; and, finally, it could provide a measure on consulting the RSPCA and such other animal welfare organisations as the appropriate national authority thinks fit before activity regulations are made. Although we are not considering those measures now, I hope that the Minister might consider them as we progress and implement this legislation.

The fact that more than 1 million people signed a petition to urge the Government to protect the Asian elephant from the unimaginable cruelty it faces at the hands of the tourist trade shows that there is most definitely an appetite for this Bill. I know that other Members will, like me, have been inundated by correspondence from constituents on this and other similar animal conservation issues, so we know the public are with us. I really want to thank Save The Asian Elephants and Duncan McNair, whom I see in the Gallery. He has provided so much support to me and to others, including the hon. Member for Guildford, as we have progressed this Bill.

Finally, let me say that animal tourism is a diverse industry, and it is important to note that there are many good operators and activities that benefit conservation on offer. I sincerely hope that today ushers in a new era for the industry, with this Bill and the one we have already passed today.

**Mr Deputy Speaker:** I call the Minister.

2.9 pm

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Trudy Harrison):** I know how important the Bill is to you, Mr Deputy Speaker, so I am delighted to see you in the Chair.

Today is a tremendous day for animals worldwide. We have been collegiate in this place; I very much appreciate the Opposition's willingness to work with other Members and me on today's Bills. We have been incredibly passionate about them. I pay tribute to my hon. Friend the Member for Guildford (Angela Richardson), who has put so much hard work and diligence into her Bill.

Let me put on record my thanks to the Members who have contributed to today's debate: my hon. Friends the Members for Wolverhampton North East (Jane Stevenson), for Newcastle-under-Lyme (Aaron Bell), for South Ribble (Katherine Fletcher)—she offered her considerable experience—for Southend West (Anna Firth) and for Clwyd South (Simon Baynes). I was grateful to hear the considerations of the Opposition spokesperson, the hon. Member for Leeds North West (Alex Sobel), and I will endeavour to look at them in more detail and work with the RSPCA, as he suggests.

Currently, the domestic advertising and sale of animal activities overseas is not subject to specific legislation in this country—that is exactly what the Bill will do. As my hon. Friend the Member for Guildford eloquently set out, there is little else to say. Domestic travel agents can advertise and sell any overseas animal activities, no matter the relevant animal welfare standards. We have heard first-hand accounts from Members of just how horrific the conditions can be. In low-welfare establishments, cruel training methods are often used to force animals into submission. That allows tourists to get up close and personal with the animals in the form of riding, bathing or taking selfies, to name just a few examples.

Let me emphasise the Government's commitment to improving animal welfare standards across the globe. The introduction of domestic advertising and sales bans on low-welfare activities abroad would allow us to continue to lead by example on how animals should be treated in tourist attractions across the world. I hope that by passing the Bill we will emphasise that we should not exploit animals for human entertainment, and show exactly why the UK is a world leader in animal welfare.

As my hon. Friend the Member for Guildford set out, in the 2021 action plan for animal welfare, the Government committed to a number of animal welfare reforms. Several Acts have been passed to address the commitments made in 2021, and more Bills are proceeding through Parliament. The legislation already been passed includes the Animal Welfare (Sentencing) Act 2021, the Animal Welfare (Sentience) Act 2022, the Animals (Penalty Notices) Act 2022 and the Glue Traps (Offences) Act 2022. Just this morning, thanks to the diligence of my hon. Friend the Member for Crawley (Henry Smith), his Hunting Trophies (Import Prohibition) Bill was passed. That is tremendous progress.

The framework of this Bill will enable secondary legislation to be introduced to ban the domestic advertising and sale of specific low-welfare activities abroad. Let me emphasise that any ban on the domestic advertising and sale of low-welfare activities would capture the

[Trudy Harrison]

specific species and activity, wherever in the world that took place. For example, a ban on low-welfare Asian elephant activities would relate to unacceptable practices involving Asian elephants as a species anywhere in the world—not solely elephants that live in Asia.

Given the short time available, I want to put on record my thanks to campaigners from Save The Asian Elephants, who are in the Gallery, as well many other organisations globally. I also thank my officials, who work so hard, particularly across the animal welfare spectrum, including on the Hunting Trophies (Import Prohibition) Bill this morning and this Bill. Their diligence and professionalism, going the extra mile day after day, is much appreciated by me, by the entire ministerial team at DEFRA and, I think, by Members across this House. Without that hard work, we would not be in this position today.

In conclusion, I thank everyone for their contributions to this debate, especially my hon. Friend the Member for Guildford. I reiterate this Government's support for the Bill and wish it well as it progresses.

2.14 pm

**Angela Richardson:** With the leave of the House, I would like to thank my hon. Friends the Members for Wolverhampton North East (Jane Stevenson), for Newcastle-under-Lyme (Aaron Bell), for South Ribble (Katherine Fletcher), for Heywood and Middleton (Chris Clarkson), for Southend West (Anna Firth) and for Clwyd South (Simon Baynes) for their excellent contributions. I also thank the shadow Minister for his helpful comments on how to improve the legislation and the Minister for her usual brilliant response. It is always important to thank the Public Bill Office for its helpful advice and instruction on progressing the Bill so far. Finally, I want to remark how appropriate it is to have you in the Chair, Mr Deputy Speaker, on such an important day for animal welfare.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

## **Palestine Statehood (Recognition) Bill**

*Second Reading*

2.16 pm

**Layla Moran** (Oxford West and Abingdon) (LD): I beg to move, That the Bill be now read a Second time.

I start by drawing the attention of the House to my entry in the Register of Members' Financial Interests. Last September I went to Israel and parts of the occupied Palestinian territories with Liberal Democrat Friends of Israel, and two months later I went back, focusing on Palestine, with the Council for Arab-British Understanding. Mainly, I want to declare my personal interest as a British Palestinian—the first to be elected to this House, though I very much hope not the last. It is a great honour to bring this Bill to the House.

My mother comes from an old Greek Orthodox Jerusalem family. We are proud Jerusalemites and proud Palestinians. Her grandfather was called Wassef Jawharriyeh, and he chronicled what life was like in unique diaries that now act as source material for historians. He told of a Jerusalem where Christians, Muslims and Jews lived side by side in friendship and respect. But those relationships faltered through the Nakba and we ended up, like so many, having to flee our beloved city.

My grandfather George would tell tales of how when he was a boy, after the bombing of the King David Hotel in 1948, the family sought sanctuary at the Mount of the Temptation in Jericho and lived there for six months. It seems fitting that, as the MP for Oxford West and Abingdon, my constituents also include the people of Jericho, albeit Jericho, Oxford. Above all, my mother would describe the physical and mental suffering and what it was like to be a dispossessed refugee. Those feelings have never left her, nor her brothers nor her sisters. I take it upon myself, as the next generation, to carry Jerusalem in my heart and do whatever I can to safeguard Palestine's future.

This Bill does what it says on the tin: it asks the British Government to recognise the state of Palestine, but to do so without any preconditions. In the scant time I have today, I want to make the case for why.

We must remember that it was Britain that produced the 1917 Balfour declaration; you will recall, Mr Deputy Speaker, that while Balfour spoke of a national homeland for the Jews in Palestine, he also spoke about safeguarding the

“civil and religious rights of...non-Jewish communities”.

He was, however, silent on the question of Palestinian political rights. As such, the declaration was an historic aberration, one that—whether we like it or not—altered reality in the region and played a significant part in this story, where peace has never seemed more elusive.

On that note, the timing of this Bill could not be more apt. Year after year since the demise of the Oslo Accords, the situation in Palestine has gone from bad to worse—although the current Israeli Government, led by Mr Netanyahu and whose Cabinet includes convicted criminals, are deeply problematic. Those politicians pose an existential threat to Israel as a democracy as they try to emasculate the judiciary, and I have been heartened to see the protests both in the UK and in Israel on that point.



**Andy Slaughter** (Hammersmith) (Lab): I congratulate the hon. Lady on her Bill and I hope that it makes some progress. She is right about the preconditions, particularly when the Government in Israel are effectively now annexing the occupied territories. Given that the House has voted for recognition and the Government have said that they support recognition, although not when, there must be recognition without preconditions, as she said. It cannot form part of the negotiations, otherwise Israel and Palestine will be on different bases. We can define the borders of Israel only by defining the borders of Palestine, and we must recognise both countries equally.

**Layla Moran:** I thank the hon. Gentleman for his intervention. I simply ask: if not now, when? What are we waiting for?

**The Minister of State, Foreign, Commonwealth and Development Office (Mr Andrew Mitchell):** I congratulate the hon. Lady on bringing forward the Bill. On the back of the comments of the hon. Member for Hammersmith (Andy Slaughter), who knows a lot about the subject, I will say that we are clear that we want to see the creation of a sovereign, independent and viable Palestinian state that lives in peace and security, side by side with Israel. In our view, now is not the time to take that step, but recognising a Palestinian state is a powerful diplomatic tool that we will deploy when it best serves the objectives of peace.

**Layla Moran:** May I thank the Minister for his work? I will keep trying to convince him that the time is now.

This Israeli Government are different from the others. The others would sit by and allow the settlements to happen—illegal settlements that should not be happening—but it is now the Israeli Government's policy to expand those settlements. I ask the Minister to look at what happened two weeks ago in Huwara, where violent settler groups ransacking the village were egged on by Cabinet Ministers in Israel. That cannot be allowed to continue.

We need to focus on the settlements, because those encampments have led to huge tensions. Palestinian people, especially young people, are increasingly despondent and desperate. Settlement proliferation acts like a woodworm that riddles the foundations of any peace process or viable Palestinian state. The international community, frankly, sits on its hands. There is occasional condemnation, but my question to the Government and other Governments is, "What are you actually going to do about it?" It is no longer enough just to tweet about it. We must do something.

**Aaron Bell** (Newcastle-under-Lyme) (Con): The hon. Lady speaks with huge personal and family knowledge, as she said, and it is good that she has brought that to the House. I was going to make the same point as the Minister, but I add that we learned the lesson in the previous Parliament that it should not be for Parliament to circumscribe the diplomatic position of this country. If her party has learned any lessons from what happened in the last Parliament, I urge it to allow the Government of the day, which may change from time to time, to make such decisions based on their diplomatic impressions of the situation. I support the Minister in what he said.

**Layla Moran:** I thank the hon. Gentleman for his intervention. I think that Parliament has a place in encouraging Ministers to do that, and I would be delighted if the Government changed their mind as a result.

On borders, which are important, many people ask what the point of the Bill is if we do not yet have negotiated borders. First, I say that that applies equally to Israel, because the borders are also Israel's, but that has not stopped us from recognising the state of Israel. More importantly, however, the Bill offers that most precious thing—hope. I reflect that, from where I stand wearing my keffiyeh, as a British-Palestinian woman in a still functioning democracy, I feel privileged to be able to raise the issue in Parliament, but I also think about the life I might have had living under occupation, as many of my mother's relations are living. I should say that I found little support for the Palestinian Authority there. All people have an issue with their Government, as do the Palestinians and the Israelis who are out protesting, but that is different from statehood.

The settlements are eating up what used to be the treasured jewels in the Palestinian crown, such as Hebron. I visited it in November. It used to be a bustling market town and just a few years ago people had to wear headgear because there are settlement houses all along the market and people would throw metal objects down. Instead, a grate was installed, so now people are sheltered by an oppressive grate. The settlers got wind of this and so instead of throwing metal objects they now throw faeces and occasionally acid.

In the same town, there are metal gates that stop Palestinians walking from one street to the next. I think back to the 1940s and look at the pictures now and it reminds me of a kind of dystopian, impoverished country. Just on the other side is Tel Aviv, which is prospering mightily. I do not begrudge Israel its success; I have said in the House before that I am a daughter of Palestine but I am also a friend of Israel. What is the point of a friendship if we are not occasionally critical? Every friendship must also have boundaries. The Bill urges the Government to set some, and it would also say to Netanyahu, Ben-Gvir, Smotrich and all those who might believe that Israeli aggression is justified that we do not accept their flagrant flouting of international law. Instead, we want to give hope to Palestinians.

The Bill is simple. It would confer full diplomatic status on the Palestinian ambassador in the UK and makes reference to the 1967 borders as defined by the UN resolutions. I do not pretend that that would be a silver bullet: I am not naive. This is not going to fix the problem. Concerted international effort will help with that and we also need to strengthen the hand of particularly the Palestinians when the negotiated settlement comes. But I would also ask why we are allowing illegal settlement goods into this country, when we know the effect that the illegal settlements are having on the future of a viable Palestinian state. If the settlements are illegal, why are the goods allowed? That is not what the Bill addresses, but I urge the Government to consider that there are consequences without action, and there needs to be some action.

The Bill would encourage other countries to follow in our stead. It would encourage them to follow the other 138 countries that have recognised Palestine, including Sweden, and it would also right some of the historic wrong that was done by Balfour 100 years ago.

[Layla Moran]

There is also a practical consideration. Recognition is fundamental to Palestine becoming a full UN member state, and as such it would then be allowed to raise its own funds through the IMF and the World Bank, rather than relying on international aid and tax pay-backs from the Israeli authorities, which are often withheld for no good reason. UN membership needs Security Council backing of course, but let us imagine the effect that recognition of Palestine might have, particularly on America, our closest ally.

When I was in Israel and Palestine, I heard time and again on both sides how important economic security was. We are now in a dire state. Many speak of the dangers of a third intifada. There have been 80 Palestinians and 15 Israelis killed in community violence this year alone. The Bill would start a process.

For years Jews around the world yearned for a state of their own, a place where they could feel safe and secure, and they got that self-determination through the state of Israel. That is not in question, but it is only fair, just and right that the same can happen now for the Palestinians. We do not have a place where we feel secure. We do not have a place of safety. We do not have our own state, and we should. In the interim, and in the absence of a viable peace process, I believe that we should, above all, give the Palestinians the ability to help themselves. There is no one thing that will fix this problem. There is no one act that would erase the last 100 years. From the point of view of my family, all we really want is somewhere to point to and call home—that is what I want for my children and grandchildren. I am deeply concerned that that will no longer be able to happen.

The Bill says that this Parliament believes in a Palestinian state, that we stand by the Palestinian people, that Britain respects its historic obligation to the region and that this Government will do everything they can to help safeguard both states—the state of Israel as well as the state of Palestine. I end by thanking those Members who are here to witness this and the Minister for listening. I hope that all those who are watching at home can see that there is great interest in this topic—

2.30 pm

*The debate stood adjourned (Standing Order No. 11(2)).*

*Ordered, That the debate be resumed on Friday 24 March.*

## Business without Debate

### CHALK STREAMS (PROTECTION) BILL

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 24 March.*

### CARAVAN SITES BILL

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 24 March.*

### NON-DISCLOSURE AGREEMENTS BILL

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 24 March.*

### KINSHIP CARE BILL

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 24 March.*

### FERTILITY TREATMENT (EMPLOYMENT RIGHTS) BILL

*Resumption of adjourned debate on Question (25 November 2022), That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Debate to be resumed on Friday 24 November.*

### GENERAL ELECTION (PUBLIC SUPPORT) BILL

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 24 November.*

### WORKING TIME REGULATIONS (AMENDMENT) BILL

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 24 March.*

### MULTI-STOREY CAR PARKS (SAFETY) BILL

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 24 March.*

### PUBLIC SECTOR EXIT PAYMENTS (LIMITATION) BILL

*Resumption of adjourned debate on Question (3 March), That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Debate to be resumed on Friday 9 June.*

### NATIONAL HEALTH SERVICE CO-FUNDING AND CO-PAYMENT BILL

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 16 June.*

**ANONYMITY OF SUSPECTS BILL**

*Resumption of adjourned debate on Question (28 October 2022), That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Debate to be resumed on Friday 23 June.*

**NHS ENGLAND (ALTERNATIVE TREATMENT) BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 30 June.*

**GREEN BELT (PROTECTION) BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 7 July.*

**BBC LICENCE FEE NON-PAYMENT (DECriminalISATION FOR OVER-75S) BILL**

*Resumption of adjourned debate on Question (21 October 2022), That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Debate to be resumed on Friday 9 June.*

**RENEWABLE LIQUID HEATING FUEL BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 24 March.*

**PUBLIC ADVOCATE (NO. 2) BILL**

*Resumption of adjourned debate on Question (15 July 2022), That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Debate to be resumed on Friday 24 March.*

**MARKETS AND MARKET TRADERS (REVIEW OF SUPPORT) BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 24 November.*

**BRITISH BROADCASTING CORPORATION (PRIVATISATION) BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 24 March.*

**SEIZURE OF RUSSIAN STATE ASSETS AND SUPPORT FOR UKRAINE BILL**

*Motion made, That the Bill be now read a Second time.*

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 24 March.*



## mRNA Covid-19 Booster

*Motion made, and Question proposed, That this House do now adjourn.—(Rebecca Harris.)*

2.35 pm

**Andrew Bridgen** (North West Leicestershire) (Ind): On 13 December last year, I was kindly granted an Adjournment debate on the potential harms that emergency use experimental mRNA covid-19 vaccines cause. It is fair to say that, that night, my life changed. During that speech, in the evidenced data that I presented to the House, which no one has effectively rebutted, I highlighted to the Minister the scale of harms that the experimental vaccines have caused and continue to cause. In giving that speech to an almost empty Chamber, on this most important of issues—quite literally life and death—two things happened to me immediately. First, I was cancelled by the mainstream media. Despite sending a data sheet in the wake of the debate, scientifically evidencing every point that I made, not one media organisation wanted to talk about the issue of serious harms or deaths occurring as a result of the mRNA vaccines.

I fully expect that the media will show the same level of disinterest in today's debate. It is what we have come to expect from a media more interested in navel gazing at the pontifications of Britain's foremost football pundit instead of the horror and tragedy of excess deaths taking place before their eyes. Some three months on from that speech, a scattering of reports are now just appearing in the mainstream media. Sadly the number of people affected in the UK and across the world cannot be ignored or hidden indefinitely.

**Sir Christopher Chope** (Christchurch) (Con): Does my hon. Friend accept that there is a bit of light on the horizon in that, this week alone, the *Express* has had four full pages on the subject?

**Andrew Bridgen:** My hon. Friend is a stalwart supporter of those who have been vaccine-harmed. I do hope that we can see some light at the end of the tunnel. Hopefully, this speech today will bring more light into the darkness.

In truth, I care little about being cancelled by the media, because, in the wake of that speech, something far more important has happened. I was contacted by thousands of people offering their support, and received many hundreds and hundreds of emails from all around the globe recounting to me their own stories of the harms caused in the wake of their or their loved ones' covid vaccination.

I have been contacted by parents in my own and surrounding constituencies, thanking me for questioning why we were giving these experimental vaccinations to healthy children and young people who patently do not need them and who gain no protection from them. I was contacted by far too many relatives who had lost loved ones suddenly after having the Moderna, Pfizer or AstraZeneca experimental gene therapy treatments shot into their arms. Many of them asked in their emails why this vital issue was not being taken more seriously by many of my hon. and right hon. Friends and colleagues. That, Mr Deputy Speaker, is a question for my colleagues to answer.

Many more questioned why, as evidence continues to emerge, almost on a daily basis, the fourth estate was so remiss in its coverage. That, Mr Deputy Speaker, is a

question for the lobby to answer. But every one of those who contacted me, asked me to keep up the fight and to continue to raise awareness of vaccine harms and vaccine deaths. That is the question that I am here to answer today.

Despite the media silence, there is huge, enormous and growing interest in this topic. Today, I once again ask the Minister why more is not being done, both in the United Kingdom and globally, to investigate and publicise the clear and well-documented adverse effects of covid-19 vaccines—vaccines that have made big pharma billions, and also vaccines that have resulted in completely unprecedented levels of yellow card reports. The Government's own data in this respect is damning. It is interesting that only this week, the Medicines and Healthcare products Regulatory Agency announced that it will no longer be publicly reporting the yellow card updates on the reported harms of these experimental treatments. Can the Minister explain the reasoning behind that decision, especially given that the number of yellow card reports of adverse events is far higher for the experimental covid-19 vaccine than the total yellow card reports of all conventional vaccines administered for the past 50 years?

If you will grant me a little leeway, Mr Deputy Speaker, I will start by looking at data from the US state of Florida and the reported level of vaccine harms there. Prior to the covid pandemic, there were never more than 2,500 incidents per year of harms reported to the state's surgeon general as a direct report of vaccination. In 2021, that number shot up to over 41,000 cases—a surge of more than 1,600%. Of course, some will understandably point out that the increase in cases was inevitable, as more vaccines were being administered. The answer to that, Mr Deputy Speaker, is that in the state of Florida, there was a 400% increase in vaccine administration in 2021, not 1,600%. In the state of Florida and in the rest of the world, 1,600 does not go into 400; it never has, and it never will.

The real-world data from Florida shows that the mRNA vaccines are resulting in vaccine harms disproportionate to the number of vaccines being administered when compared with all previous vaccinations. That backs up the clear warning signal from our own yellow card system in the UK. Data held by the US Government's National Library of Medicine was used for research by Dr Joseph Fraiman that details the frequency of serious adverse events following vaccination with both Pfizer and Moderna mRNA vaccines. For clarity, a serious adverse event is defined as anything that results in death; is life-threatening at the time of the event; or results in in-patient hospitalisation or prolongation of existing hospitalisation, persistent or significant disability or incapacity, a congenital anomaly or birth defect, or something considered to be medically important based on medical judgment.

Using that definition, the study confirms that there are 10.1 serious adverse events for every 10,000 Pfizer vaccinations administered. That means that one in every 990 people vaccinated with the Pfizer booster will have a serious adverse event. The risk with the Moderna vaccine is even greater: there are 15.1 serious adverse events for every 10,000 Moderna jabs. That means that one in 662 people vaccinated with the Moderna booster will have a serious adverse event. Combining the data

for the Pfizer and Moderna mRNA vaccines or boosters, we can see that there are an average of 1,250 serious adverse events for every 1 million vaccine boosters administered—in other words, an average one in 800 chance of a serious adverse event every time someone is boosted.

Let us now move on to the UK Government data. On 25 January this year, the Department of Health and Social Care published data from a presentation given by the UK Health Security Agency to the Joint Committee on Vaccination and Immunisation. The data published split the population into groups by age, and further divided those age groups into those considered healthy and those considered at risk. The numbers needed to vaccinate for each of those subgroups were calculated to prevent first, a single hospitalisation, and secondly, a single serious hospitalisation requiring oxygen or intubation—effectively, intensive care.

The figures are stark. To prevent just one healthy adult aged between 50 and 59 from being hospitalised due to covid, the Government's own published data states that 43,600 people had to be given an autumn booster jab. With a serious adverse event rate of one in 800, that means that in the healthy 50 to 59-year-old group, as a result of using the mRNA boosters, 55 people would die or be put into hospital with side effects to prevent one single covid case presenting in hospital. The same data shows that, for healthy younger people, the number needed to be boosted to prevent a single hospital admission with covid-19 is far higher. Some 92,500 booster jabs were required to be administered to prevent one hospitalisation due to covid in the healthy 40 to 49 age group, which would simultaneously have put 116 people at probability of death or serious adverse reaction into hospital from the jab. The healthy 30 to 39 age group required 210,400 booster jabs to prevent a single covid hospitalisation, so 263 of this group will have been into hospital or, sadly, died as a result of the booster side effects just to keep one covid case out of hospital.

However, the data gets worse because hospitalisation does not necessarily mean a serious medical intervention such as intubation or oxygen. To prevent severe hospitalisation from covid-19, the numbers needed to be boosted become astronomical. I would suggest this is the real benchmark for comparison with the risks of death or serious adverse events from the boosters themselves.

The Government's own data shows that, in healthy adults aged 50 to 59, it was necessary to give 256,400 booster jabs to prevent just one severe hospitalisation, putting 321 people into hospital with a serious side-effect from the booster, which includes, obviously, risk of death. For healthy 40 to 49-year-olds, that number increases to 932,500 who needed to be boosted to keep one covid patient out of an intensive therapy unit, putting potentially 1,165 people into hospital with serious harms, death or disability. And for healthy 30 to 39-year-olds, no one knows the answer to the number needed to be boosted to prevent a serious hospitalisation because the Government's own data says that there has never been such a case of this age group being put into intensive care due to the current variant of covid-19. But many, indeed on average one in 800 of this group that has been boosted, will have died, or been disabled or seriously harmed by the booster itself.

Let me focus on the most vulnerable group for which the Government data is available, the over-70s with comorbidities—the most vulnerable group in our society. According to the Government's own data, it would be necessary to administer 800 vaccine boosters to prevent just one hospitalisation for a patient over the age of 70 in this highest risk group. That means that all the most vulnerable group in our society are doing by being boosted is swapping one risk from covid of hospitalisation for exactly the same risk from the booster itself—but of course in the process big pharma are making huge profits.

We have looked at the health implications of the vaccine programme. Now I want to look at some of the cost implications of the booster programme in the UK. Total funding of the covid-19 vaccination programme in the UK up to the end of March this year is budgeted at £8.3 billion. In February 2022, the GPonline website, championing general practice professionals, published that GPs and community pharmacies were being paid £24 per dose for administering vaccines. That figure increased to £34 per dose at dedicated vaccination centres. These costs of course do not include the cost of the experimental vaccines themselves. For ease of calculation, I will count those at £20 per dose across the board. I will be generous and use the lower of the two figures for administering the vaccine, giving a total cost of £44 per dose, but even when I do, we see, from the Government's own data on the use of boosters, that it cost over £1.9 million to prevent just one hospitalisation among healthy 50 to 59-year-olds and over £11 million to prevent one serious hospitalisation due to covid-19 in that age group; the cost to the taxpayer of preventing a hospitalisation of one healthy 40 to 49-year-old is over £4 million; and for healthy 30 to 39-year-olds the cost of preventing just one hospitalisation is over £9 million. Of course, to prevent serious hospitalisation in these groups, the cost is far higher.

It is of course worth noting that, in setting up the vaccine programme, the Government indemnified vaccine manufacturers, which gave them total cover against all future claims of the adverse effects of their products. Given what I have already explained about the incidence of serious side effects, that cost may well be extremely significant to the taxpayer, on top of the obvious human tragedy and loss that is self-evidently happening.

The data is clear: for all healthy people and all those considered at risk under 70, the probability of being seriously harmed by covid is seriously outweighed by the risks associated with the experimental vaccines and boosters. Even for the most vulnerable group—the over-70s with health problems—the risks are absolutely identical. The Government data not only comments on the efficacy and effectiveness of the autumn booster campaign, which I have quoted from—we have already had that—but looks forward to this year's booster campaign. Not unsurprisingly, it predicts the same level of efficacy from the same boosters put into the same arms. Surely, in the light of the data, we will not continue with this absolute madness. If we were to perpetuate it, we would be engaging in expensive state-sponsored self-harm on a national level.

In the winter of 2020, the experimental mRNA vaccines were announced to the British public as “safe and effective”. That narrative was repeated by the vaccines Minister in her response to my speech in the Chamber

[Andrew Bridgen]

on 13 December. It is interesting that the NHS website today describes the experimental vaccines as “safe and important”, and describes serious side effects as “very rare”. But the truth, as we know, is somewhat different. One in 800 is not rare, especially when the public are expected to take multiple doses, exposing themselves again and again to the same risk.

The Government need to be honest about this, just as they need to be honest about the fact that the MHRA is 86% funded by big pharma. Based on the manufacturers’ own trial data, the experimental mRNA vaccines are not safe, with an average of one in 800 people taking them facing death or serious injury as a result. Based on the Government’s own data, despite the initial and repeated assurances, the experimental mRNA vaccines are not effective in preventing infection, transmission or hospitalisation from covid-19. The experimental mRNA vaccines are not necessary given the risks and benefits of the treatment, and they are costing the country a fortune and creating huge pressure on the NHS from the side effects.

Given that the data released on 25 January by the UK Health Security Agency was actually presented to the JCVI on 25 October 2022, I ask the Minister: why was the booster roll-out not halted last October in the light of the clear lack of efficacy and the evidence of risks being greater than the benefits for all age groups, except possibly the over-70s with underlying health conditions, for whom the risk was absolutely identical? Was the data presented to the JCVI passed to the MHRA? If so, when? And if not, why not?

Why was the MHRA still asking the Government to authorise the administration of experimental vaccines to children as young as six months of age in December 2022, six weeks after the booster efficacy data was received by the JCVI? If the data was not passed to the MHRA, surely the JCVI should have spoken out against the vaccination of small children last December. Members of the JCVI declared between them interests of more than £1 billion of investments in big pharma, but I am sure that that would never have influenced their judgment. Can the Minister also confirm that two thirds of all NHS staff refused last year’s autumn booster?

The simple facts are that, in the light of the Government’s own data, covid vaccinations and boosters are not effective. From the evidence of the yellow card system, they are not safe, and for the UK taxpayer, they are not value for money. Indeed, given their side effects, if they were free, we could not afford them. The only ones who really benefit from the booster roll-out are big pharma, who have a licence to print money and indemnification against the harms that their products cause. Once again, big pharma have put profits before people and, on this occasion, Governments across the globe have been their willing marketing agents.

The whole covid-19 vaccine narrative is slowly unravelling. As I believe I have demonstrated, no one should have been boosted after the efficacy data was received on 25 October last year, and, based on that data, no one should be boosted in future. Given the evidence of harms caused by the boosters, I now believe that we have the full explanation for both the continuing excess deaths that we have seen since the pandemic—

63,000 in England and Wales in the last 12 months—and the huge and unrelenting pressure of demand on the NHS: the vaccines, the boosters and their side effects.

Sadly, I am confident that I will be proved correct, but I sincerely wish that it was not so. But the longer it takes our Government to accept the truth, the more people will be harmed and die. The first step to putting right the problem is always to admit that there is a problem. The Government narrative of “safe and effective” is in tatters, as evidenced by their own data. Three months on from my original speech in this House, we have surely now sacrificed enough of our citizens on the side of ignorance and unfettered corporate greed to satisfy everyone. I therefore call on the Government to immediately stop the mRNA vaccine booster programme and initiate a full public inquiry into not only the vaccine harms but how every agency and institution set up to protect the public interest has failed so abysmally in its duties.

I look forward to the Minister’s response. I am aware that it is neither his area of responsibility nor his area of expertise. I accept that, if there are any questions that he cannot answer at the Dispatch Box today, he will respond in writing.

2.56 pm

**The Minister for Health and Secondary Care (Will Quince):** As the hon. Member for North West Leicestershire (Andrew Bridgen) says, I am responding on behalf of the Under-Secretary of State for Health and Social Care, my hon. Friend the Member for Lewes (Maria Caulfield).

Vaccines have underpinned the Government’s strategy for living with covid-19. They have saved tens of thousands of lives, have reduced the pressure on our NHS and were instrumental in allowing our economy and society to reopen. Covid-19 has not gone away. Thousands of people in the United Kingdom continue to be infected each week. Vaccines remain our best line of defence and the most effective way to enable us to live with the virus. Countless studies have shown that vaccinated people are less likely to die or become seriously ill from the virus. Thanks to the huge efforts of NHS staff and the public, as of 5 March, 144 million vaccine doses had been provided in England alone. That includes more than 17 million in the recent autumn booster campaign, which concluded last month.

The hon. Gentleman referred to the efficacy of the mRNA covid-19 boosters. It is important to put on record that all the vaccines used in the UK covid-19 vaccination programme have been through a vigorous approval process. The UK has some of the highest safety standards in the world, and the independent Medicines and Healthcare products Regulatory Agency is globally recognised for requiring high standards of quality, safety and effectiveness. The mRNA covid-19 boosters approved for use in the United Kingdom have also been through similar rigorous approval processes by the European Medicines Agency in Europe and the Food and Drug Administration in the United States.

Each potential covid-19 vaccine is assessed by teams of scientists and clinicians on a case-by-case basis. There are extensive checks and balances required by law at every stage of vaccine development. Only once each potential vaccine has met robust standards of quality,



safety and efficacy set by the MHRA will it be approved for use. Both the mRNA and non-mRNA vaccines have already been administered as booster doses, with the majority of doses administered in the recent autumn booster being the mRNA vaccine. Data shows that covid-19 boosters have been highly effective in reducing hospitalisations and deaths. The mortality rate has been significantly lower for people who have had at least a third dose or booster dose, compared with individuals who are unvaccinated, or have received just a first or second dose.

Earlier this month, the Office for National Statistics published its latest covid-19 effectiveness estimates, which showed that, between March '21 and March '22, a third booster dose was approximately 93% effective at reducing the risk of mortality from covid-19, compared with 58% for a first dose and 88% for a second dose. It was 77% effective at reducing the risk of hospitalisation, compared with 52% for a first dose and 55% for the second dose. That highlights the effectiveness of all covid-19 vaccinations and shows that protection only increases following a third dose or booster. This is supported by other extensive research such as UK Health Security Agency surveillance reports.

The most recent data from UKHSA on the autumn 2022 booster campaign showed that the mRNA bivalent boosters provided incremental protection against hospitalisations on top of the protection already provided by previous doses in the period following 5 September 2022. It also showed that effectiveness against hospitalisation remained high at 10 or more weeks after vaccination, which was vital in supporting the NHS over a particularly challenging winter period.

The hon. Gentleman raised the matter of ongoing vaccine surveillance. The surveillance of vaccines does not stop at the point of approval. The MHRA and the UK Health Security Agency continuously monitor a wide range of data regarding the safety and effectiveness of the vaccines, including reports, as he pointed out, of adverse reactions from the UK and internationally. As

part of this surveillance, the MHRA's monitoring role includes reviewing all suspected adverse drug reaction reports—known as yellow card reports—relating to covid-19 vaccines. Through the MHRA yellow card scheme, members of the public and healthcare professionals can report any suspected side effects. The nature of yellow card reporting means that reported events are not always proven side effects; some events may have happened anyway, regardless of vaccination. This comprehensive surveillance strategy alerts us to any unforeseen adverse reactions to the vaccines and enables us to act swiftly when required.

The Government are also committed to further research into covid vaccines. Since the start of the pandemic, the National Institute for Health and Care Research has allocated more than £110 million in funding for covid-19 vaccine research. That has included consideration of vaccine safety, including robust monitoring of adverse reactions to covid-19 vaccines.

In summary, we know that the covid vaccine programme has saved tens of thousands of lives and has prevented many more hospitalisations. The Government have recently announced that a targeted seasonal vaccination offer will come in on 17 April in England to top up the protection of those at highest risk. Vaccination of residents in older adult care homes will start ahead of that, from Monday 3 April. The primary aim of the spring programme continues to be the prevention of severe disease, hospitalisations and death. Older persons, residents in care homes for older adults and those who are immunosuppressed continue to be at the highest risk of severe covid-19 and are therefore prioritised for vaccination.

The covid vaccine programme is something of which this country can be very proud. I reiterate my thanks to the scientists, clinical staff, volunteers and others who have helped to make it happen.

*Question put and agreed to.*

3.2 pm

*House adjourned.*



# Written Statements

Friday 17 March 2023

## FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE

### British Indian Ocean Territory/Chagos Archipelago

**The Secretary of State for Foreign, Commonwealth and Development Affairs (James Cleverly):** Since the written ministerial statement made on 3 November 2022, the UK and Mauritius have held constructive negotiations on 23 to 24 November 2022, 11 to 12 January 2023 and 23 to 24 February 2023 on the exercise of sovereignty over the British Indian Ocean Territory (BIOT)/Chagos archipelago. These discussions have built understanding between the two sides, and covered issues relating to ensuring the continued effective operation of the joint UK/US military base on Diego Garcia; resettlement of the former inhabitants of the Chagos archipelago; strengthening our co-operation on a range of issues such as environmental and marine protection, improving security and tackling illegal activities in the region.

As agreed at the outset of negotiations, the UK and Mauritius have taken stock of negotiations and agreed next steps. The Prime Minister, my right hon. Friend the Member for Richmond (Yorks) (Rishi Sunak) and Prime Minister Jugnauth spoke on 14 February. The Prime Ministers welcomed the progress to date and agreed to continue negotiations, with a view to arriving at an agreement in the coming months.

[HCWS645]

## JUSTICE

### Domestic Homicide Sentencing Review: Publication and Interim Response

**The Lord Chancellor and Secretary of State for Justice (Dominic Raab):** Tackling violence against women and girls is a top priority for this Government and we are committed to ensuring that the most serious offenders spend longer in prison. Women should feel safe in their own home and our sentencing framework must reflect the seriousness of violence and abuse committed by those closest to them.

The Government commissioned an independent expert, Clare Wade KC, to review sentencing in domestic homicide cases to establish whether current law and sentencing guidelines are fit for purpose and identify options for reform.

Today, I am publishing Ms Wade KC's domestic homicide sentencing review (the "Wade review") and announcing a package of proposed reforms to change the law so that sentencing reflects the seriousness of domestic homicides. The published review can be found at <https://www.gov.uk/guidance/domestic-homicide-sentencing-review>

The Wade review makes a number of other recommendations and the Government's position will be outlined in a full response to be published before the summer recess. The measures announced today demonstrate our commitment to delivering tougher sentences for the perpetrators of these horrific crimes and allow for necessary legislation to be introduced as soon as possible. All recommendations in the review and the measures announced today apply to England and Wales.

We will increase sentences for murderers with a history of controlling or coercive behaviour against the victim.

The Serious Crime Act 2015 introduced the criminal offence of controlling or coercive behaviour. Controlling or coercive behaviour can comprise economic, emotional or psychological abuse. It does not relate to a single incident, but a purposeful pattern of behaviour over time. Controlling or coercive behaviour by the perpetrator towards the victim was identified in 51% of the murder cases analysed for this review.

Despite around a quarter of all homicides being classed as domestic, the legislation which sets out the sentencing framework for murder does not currently specifically account for the abuse that the victims in these cases often experience before death.

The review recommends that a history of coercive or controlling behaviour should be added to the statutory aggravating factors to murder. We will introduce legislation to make this change as soon as possible to ensure abuse experienced before death is properly considered and serious offenders are kept off our streets for longer.

We will consider further reform by consulting on whether the starting point should be 25 years for murders preceded by controlling or coercive behaviour.

While the addition of a history of coercive or controlling behaviour as a statutory aggravating factor to murder will be an immediate step to increase sentences, we do not rule out further reform to ensure perpetrators are kept behind bars for longer.

We will launch a public consultation this summer seeking views on whether there should be a starting point of 25 years for cases of murder where the perpetrator has controlled or coerced the victim before killing them. The current sentencing framework recognises the particular seriousness of the illegal possession and use of knives in public with a 25-year starting point for murders where a weapon used has been taken to the scene with intent. It is important that this starting point is maintained and therefore we will not be accepting the recommendation made in the Wade review to disapply it from domestic cases. The sentencing framework must recognise the seriousness of anyone who walks onto our streets with a knife, intending to use it to cause harm. However, the changes announced today will ensure that the framework also recognises the particular seriousness of domestic murder, and this consultation will ensure all reform options have been fully explored.

We will make "overkill" a statutory aggravating factor in the sentencing framework for murder.

Overkill is defined in the Wade review and wider literature as the use of excessive or gratuitous violence, beyond that necessary to kill. It amounts to violation of the body and causes intense distress to the families of victims. Overkill is prevalent in domestic murders and was identified in 60% of the cases analysed for this review.



The Wade review recommends that overkill should be added to the statutory aggravating factors to murder. This would mean that a judge must consider increasing an offender's minimum custodial term where overkill has occurred. We will introduce legislation to make this change as soon as possible. It will ensure that the horror of overkill is recognised in statute and that the anguish it causes the families of victims is taken into account when sentencing such cases.

Building on our ban of the "rough sex defence" in the Domestic Abuse Act 2021, we want to see longer sentences for perpetrators of so-called rough sex manslaughter. We are requesting that the Sentencing Council update its guidelines and will keep under review the need for legislation.

The Government are clear the "rough sex defence" is not recognised in law as a person is legally unable to consent to "serious harm", including where it results in death. However, there continues to be concern about apparent low sentences given in some cases of manslaughter where consent to so-called rough sex is argued.

The review recommends manslaughter sentencing guidelines should be amended to consider the offender highly culpable where death occurs during violence alleged to be consensual during a sexual encounter, and therefore impose a higher sentence.

The production or revision of sentencing guidelines is a matter for the independent Sentencing Council. However, today I will ask the council, which has a statutory duty to consider my request, to consider revising sentencing guidelines to reflect the recommendation made in the Wade review. While this is our preferred approach, we will keep legislative options under review to ensure we can deliver reform.

These measures build on our zero-tolerance approach to violence against women and girls by ensuring that sentencing delivers justice for the victims and families.

I am very grateful to Clare Wade KC for her work on this review. I would also like to pay tribute to Carole Gould and Julie Devey for their tireless campaigning after the tragic murders of their daughters, Ellie Gould and Poppy Devey-Waterhouse.

[HCWS643]

## LEVELLING UP, HOUSING AND COMMUNITIES

### Infrastructure and Environment Consultation

**The Secretary of State for Levelling Up, Housing and Communities (Michael Gove):** Today I have launched two formal consultations on proposals to support measures in the Levelling-up and Regeneration Bill.

#### *Infrastructure levy technical consultation*

Developer contributions play a vital role in mitigating the impacts of new development.

The Government want to improve the current system of developer contributions in England to ensure that communities receive a fairer contribution of the profit that typically accrues to landowners and developers. We want to end protracted negotiation of section 106

agreements which hold up development and create confusion about what infrastructure will be provided and what levels of affordable housing will be delivered.

Through the Levelling-up and Regeneration Bill, the Government are seeking powers to create a new infrastructure levy in England. Through the levy we are aiming to create a swifter, more transparent and streamlined system to fund the provision of affordable housing and important infrastructure such as schools, roads, active travel routes and GP surgeries that support new development.

The detailed design of the levy will be set out in regulations. Today I have launched a technical consultation which will inform the development of the detailed policy that will be set out in those regulations. A further consultation will be carried out on the draft regulations when they are ready and before they are made.

This consultation closes on 9 June 2023.

#### *Environmental outcome reports*

Over the past 50 years, much of the UK's wildlife-rich habitat has been lost or degraded and many of our once common species are in long-term decline. This is despite efforts to address environmental issues using tools such as the EU-derived systems of strategic environmental assessment and environmental impact assessment.

The Levelling-up and Regeneration Bill contains powers to bring forward a new framework for environmental assessment. The proposals are designed to make sure that the value and rigour of environmental assessment is retained and improved, while allowing us to push for better environmental outcomes.

The EU-derived processes of assessment are overly bureaucratic and lack transparency. Users have told us reports are inaccessible and cumbersome, with important details lost in the thousands of pages. There is too much uncertainty in the process, and gold-plating driven by fear of legal challenge results in excessive reporting rather than clarity about the genuine effects of development on the environment which should be of concern to the decision-maker and communities. In combination, these issues with process have diluted, and undermined, the original purpose of assessment as a tool for protecting the environment.

In the new system, Parliament will set clear environmental outcomes against which projects must be considered, introducing clarity and certainty for everyone involved in the process. The reforms will streamline and simplify the assessment process and address the issue of risk aversion by being clear what assessment should cover, and how assessment should be carried out.

This consultation sets out how these powers could be used to ensure environmental outcome reports deliver on our ambition to leave the environment in a better state than we found it.

Feedback from this consultation will be used to progress the development of the new assessment framework.

I have also taken this opportunity to publish our post-implementation reviews of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

This consultation closes on 9 June 2023.

[HCWS644]

# Petitions

Friday 17 March 2023

## OBSERVATIONS

### ENERGY SECURITY AND NET ZERO

#### Pre-payment meter energy customers and forcible transfer

*The petition of residents of the United Kingdom,*

Declares that energy suppliers, despite licensing conditions set out by the regulator Ofgem stipulating that suppliers should only put households onto pre-payment meters when it is 'safe and reasonably practicable to do so', are forcibly transferring customers in debt on standard credit or direct debit accounts to pre-payment meters, disregarding their obligations to identify and support vulnerable persons and households; notes one court in the North of England approved 496 warrants to forcibly install pre-payment meters in just 3 minutes; recognises the risk of 'self-disconnection' from energy supplies for vulnerable households in energy debt who are forcibly transferred to a pre-payment meter; notes that those new pre-payment meter customers who have become so through financial difficulties, will now pay higher standing charges and unit rates when compared to standard credit or direct debit accounts.

The petitioners therefore request that the House of Commons urge the Government to issue a ban on the forced installation of pre-payment meters by court warrant; further urges the Government to make compulsory the requirement to ensure that detailed checks are carried out regarding customers' vulnerability prior to any discussion about a voluntary option of using prepayment meters and that sanctions are in place and enforced against those companies who do not.

And the petitioners remain, etc.—[Presented by Anne McLaughlin, *Official Report*, 18 January 2023; Vol. 726, c. 498.]

[P002793]

#### Pre-payment meter energy customers and higher costs

*The petition of residents of the United Kingdom,*

Declares that 4.5 million pre-payment energy customers, who are some of the most vulnerable in society and are more likely to be classed as fuel poor, pay more for their energy than standard credit or direct debit customers; notes that prepayment meter customers will pay, on average, an additional 20p per day in standing charges alone; notes that regional variations in standing charges for prepayment meter customers can see customers in the North of Scotland paying 17.82p per day more than those in London, notes the surge in forced prepayment meter installations and reports that some 3.2 million prepayment meter customers were disconnected from their supply as they ran out of credit, more in 2022 than in the last 10 years combined; recognises the perverse injustice that the poorest and most vulnerable in our society pay more for their energy, and that for many they have no choice in how they pay for their energy.

The petitioners therefore request that the House of Commons urge the Government to ensure that prepayment meter energy customers do not pay more than standard credit or direct debit energy customers.

And the petitioners remain, etc.—[Presented by Anne McLaughlin, *Official Report*, 25 January 2023; Vol. 726, c. 1118.]

[P002796]

#### Pre-payment meter energy customers and self-disconnection

*The petition of residents of the United Kingdom,*

Declares that 4 million pre-payment energy customers, who are some of the most vulnerable in society and are more likely to be classed as fuel poor, are not afforded the same rights when in energy debt as standard credit and direct debit customers, allowing just minimal levels of debt, currently just £5 in some cases, before being disconnected from their energy supply; recognises the inherent risk to life for anyone disconnected from their energy supply, in particular the 1 million pre-payment meter customers with disabilities; notes that 3.2 million customers 'self-disconnected' last year as they ran out of credit, more in 2022 than in the last 10 years combined; notes that the term 'self-disconnection' alludes to an element of choice, but there is no choice for millions of households during this cost of living crisis; further notes that pre-payment energy customers pay more per unit of energy and more in standing charges than those who pay by standard credit and direct debit.

The petitioners therefore request that the House of Commons urge the Government to issue a ban on 'self-disconnection' for pre-payment customers; further urges the Government to ensure that pre-payment customers are given the same level of advice and support and the same length of time to pay as all other customers.

And the petitioners remain, etc.—[Presented by Anne McLaughlin, *Official Report*, 17 January 2023; Vol. 726, c. 336.]

[P002792]

*Observations from the Parliamentary Under-Secretary of State for Energy Security and Net Zero (Amanda Solloway):*

The recent findings by *The Times* in relation to forcible installation of prepayment meters (PPMs) in the homes of vulnerable consumers is shocking and unacceptable, and the Government have acted quickly to tackle the issue of inappropriate PPM use. Following interventions by the Secretary of State and Ofgem, all energy suppliers have agreed to cease the forced installation of PPMs and the remote switching of smart meters to prepayment mode. This pause was due to end on 31 March but has now been indefinitely extended while Ofgem and industry agree and implement a code of practice to improve consumer safeguards. Additionally, magistrates courts in England and Wales are under instruction to stop hearing and ruling on applications from energy firms to forcibly install PPMs while the processes by which suppliers bring forward such applications is reviewed.

There are a range of protections in place for vulnerable customers, including those with PPMs. Ofgem licensing conditions include the ability-to-pay principle, and the obligation on suppliers to identify self-disconnecting and self-rationing PPM customers proactively. These rules require energy suppliers to agree repayment rates

with customers in arrears, and to consider a customer's ability to pay when calculating repayment rates for PPM customers in debt. They also require energy suppliers to offer emergency and friendly-hours credit to all PPM customers and additional support credit to customers in vulnerable circumstances.

Ofgem rules are clear that suppliers can only install a PPM to recover a debt as a last resort. Ofgem rules also require energy suppliers to only offer a prepayment service where it is safe to do so, with clear obligations on energy suppliers regarding supporting customers in payment difficulty. The Secretary of State has called for more robust Ofgem enforcement on these issues and Ofgem has responded to this by announcing a further review of supplier practice in relation to PPM customers, including targeted engagement accounting for the experiences of real consumers. This review will also assess how suppliers consider whether a PPM is suitable before taking any action such as remotely switching to PPM or installing a PPM under warrant. This review could lead to compliance action and redress where appropriate.

The existing licence conditions set by Ofgem will be reviewed, with a focus on the highest priority issues including identification of vulnerabilities, the PPM installation "safe and reasonably practicable" guidance, and processes in place for installing or switching customers to PPMs. This includes reviewing the relevant licence conditions and guidance to consider what else they should cover to further protect consumers, particularly those that are vulnerable.

After asking suppliers to review their activities around PPMs, Ofgem outlined failure to act where weaknesses have been identified as a factor that will be considered when it considers further action, which may include enforcement.

The Secretary of State has told Ofgem to toughen up on energy suppliers and investigate the customers' experience of how their supplier is performing. Following this, Ofgem has committed to set up a new customer reporting system for households to pass on their own experiences of how they are being treated. Ofgem has also begun an intensive consultation process to look at what further protections may be needed around PPMs and seek views on other measures that could reduce the need for PPMs to be installed or switched to remotely. This will conclude by the end of March.

In the spring Budget 2023 the Government announced they will bring charges for consumers using prepayment meters in line with comparable direct debit charges.

PPMs can continue to play an important role in the market. They are a useful tool for some customers to prevent debt building up and a complete ban on PPMs would likely see a move to using debt enforcement via the courts and bailiffs, which is not a desirable outcome. However, it is important that the rules around their use are sufficient, and properly enforced.

## WORK AND PENSIONS

### Abolition of benefit cap

*The petition of the residents of the constituency of Glasgow East,*

Declares that the UK benefit cap is a punitive measure which forces families unnecessarily into poverty; notes the figures from the Poverty Alliance which suggest up

to 150,000 households outside of London will have their benefit capped and could lose up to £1,800 per annum in social security support.

The petitioners therefore request that the House of Commons urge the Government to grant time the Second Reading of the Benefit Cap (Report on Abolition) Bill and commit its support to passing all stages in the House.

And the petitioners remain, etc.—[Presented by David Linden, *Official Report*, 18 January 2023; Vol. 726, c. 498.]

[P002794]

*Observations from the Minister for Employment (Guy Opperman):*

The Government firmly believe that there has to be a limit on working-age benefits that the state should provide to households. It is not reasonable or fair for taxpayers to pay for people to live on out-of-work benefits at higher incomes than they themselves receive from work. The benefit cap provides a clear incentive to move into work, which evidence consistently shows is the best and surest way out of poverty.

Universal credit households are exempt from the cap if the household earnings are at least £658 (£722 from April 2023) each month, while those who still receive housing benefit are exempt if they are entitled to working tax credits. Getting claimants back into work remains our primary focus, and securing employment will significantly decrease the likelihood of a household being affected by the cap. In the latest quarter to July 22, on average 270 households every week moved off the benefit cap through increasing their earnings or starting work. Even in the current economic climate, the UK employment rate in the period from October to December 2022 stands at an estimated 75.6%, while unemployment remains relatively low at 3.7%.

We continue to protect vulnerable claimants for whom work may not currently be a viable option. In recognition of the additional costs relating to a disability, households are exempt from the cap if somebody is receiving, for example, disability living allowance, personal independence payment, child disability payment or adult disability payment. Universal credit claimants who receive the "limited capability for work related-activity" element or "employment and support allowance" claimants in receipt of the support component are also exempt from the cap.

The Government recognise and appreciate the vital contribution made by carers, which is why there are exemptions for those entitled to carer's allowance, the carer's element in universal credit and guardian's allowance.

Eligible childcare costs that are repaid through the universal credit payment are exempt from the cap. This also supports people get into work and progress in employment.

We also want to support those with a strong recent work history who find themselves without work, or when their earnings reduce. As a result, the benefit cap is not applied for nine months for those receiving universal credit where the claimant, their partner or ex-partner has earned at least the benefit cap earnings threshold of £658 (£722 from April 2023) in each of the previous 12 consecutive months.



We should remember that the proportion of capped households remains low in comparison to the overall working-age benefit caseload at just 2% across Great Britain. In Scotland, that proportion is even lower at 0.8%.

Since the Poverty Alliance report was published (which reflects the position at March 2022 and, as such, includes out-of-date analysis), the Secretary of State has reviewed the benefit cap levels and decided that they should be increased in line with CPI in the year to September 2022 (10.1%) from this April. This means that all currently capped households (around 120,000 in August 2022) will see an increase when their benefits are uprated in April. In addition, around 30,000 of the 120,000 households will be taken out of the cap entirely, and around 60,000 other households, who would have become capped in the absence of an increase in the levels, will not become capped.

The annual benefit cap levels will therefore increase to £25,323 for couples and lone parents in London and £22,020 for the rest of Great Britain, and to £16,967 for single people without children in London and £14,753 for the rest of Great Britain. This means that, on average, households will gain around £29 extra in benefit a week. Households will be able to receive benefits up to the value of gross earnings of around £26,500 or £31,300 in London.

Claimants can approach their local authority to be considered for a discretionary housing payment. These can be paid to those entitled to housing benefit or the housing element of universal credit who face a shortfall in meeting their rental costs.

The Government understand the continued pressures that people are facing with the cost of living. The Government are therefore providing over £11 billion in 2023-24 through cost of living payments to offer tax-free cash support that does not count towards the benefit cap. They will include up to £900 in cost of living payments to households in receipt of eligible means-tested benefits, which will be split into three payments of around £300 each across the 2023-24 financial year; a separate £300 winter payment to over 8 million pensioner households paid in addition to the annual winter fuel payment; and a £150 payment to people in receipt of an eligible disability benefit. Further to this, the energy price guarantee will be extended from this April until the end of March 2024. Over this period, the EPG will bring a typical household bill to around £3,000 per year in Great Britain.

Additionally, as a result of the household support fund, the devolved Administrations have been allocated £158 million in Barnett consequential as usual. It will be for the devolved Administrations to decide how to allocate their additional Barnett funding.



# WRITTEN STATEMENTS

Friday 17 March 2023

	<i>Col. No.</i>		<i>Col. No.</i>
<b>FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE</b> .....	55WS	<b>LEVELLING UP, HOUSING AND COMMUNITIES</b> .....	57WS
British Indian Ocean Territory/Chagos Archipelago .....	55WS	Infrastructure and Environment Consultation .....	57WS
<b>JUSTICE</b> .....	55WS		
Domestic Homicide Sentencing Review: Publication and Interim Response .....	55WS		

# PETITIONS

Friday 17 March 2023

	<i>Col. No.</i>		<i>Col. No.</i>
<b>ENERGY SECURITY AND NET ZERO</b> .....	11P	<b>WORK AND PENSIONS</b> .....	13P
Pre-payment meter energy customers and forcible transfer.....	11P	Abolition of benefit cap.....	13P
Pre-payment meter energy customers and higher costs .....	11P		
Pre-payment meter energy customers and self-disconnection .....	12P		



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**not later than  
Friday 24 March 2023**

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**Hunting Trophies (Import Prohibition) Bill [Col. 1077]**

*Not amended, further considered; read the Third time and passed, with amendments*

**Child Support (Enforcement) Bill [Col. 1103]**

*Not amended, further considered; read the Third time and passed*

**Powers of Attorney Bill [Col. 1122]**

*Not amended, further considered; read the Third time and passed*

**Animals (Low-Welfare Activities Abroad) Bill [Col. 1146]**

*Not amended, further considered; read the Third time and passed*

**Palestine Statehood (Recognition) Bill [Col. 1156]**

*Motion for Second Reading—( Layla Moran )*

**mRNA Covid-19 Booster [Col. 1163]**

*Debate on motion for Adjournment*

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