Coronavirus Bill - manuscript amendments tabled by the Government on 23 March 2020 (Volume 674) – transcript from the House of Commons reasonings (concerns)

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Coronavirus Bill

Proceedings resumed (Order, this day).

Considered in Committee (Order, this day).

[Dame Eleanor Laing in the Chair]

The Chairman of Ways and Means (Dame Eleanor Laing)
I have a few things to explain before we begin Committee stage. For understandable reasons, a large number of manuscript amendments have been tabled by the Government today, and in fact a large number of other manuscript amendments have, unusually, been allowed today as well. Members therefore need to make sure that they are working from the right version of the notice paper and that they have the latest version of the grouping and selection list, although I should explain that there is one group.

Government amendments 79 to 82 on extradition are on a separate supplementary notice paper, and a revised grouping and selection list will be issued shortly. The late appearance of these amendments is due not to Government action but to a mistake on the part of the Public Bill Office, but, lest anybody complain, I will defend the Public Bill Office, because they have done a marvellous job today. I have seen it over the last few days, and the people who work here have worked miracles to get us to this stage in such good order.

The Business of the House motion, which the House agreed before Second Reading, allows the Chair discretion at the end of the time allowed for Committee—in this case, that falls at exactly 10 pm—to call non-Government amendments and new clauses to be moved formally at that stage for separate decision. I have to tell the Committee that my sense of where we are at this stage is that I will call Divisions only when they are really essential. As always, the Chair will listen to the debate and form a judgment on whether to exercise that discretion. I am simply informing the Committee now that today the bar is a high one—no one will be surprised to hear that—and that arguments in favour of going through the Division Lobbies tonight will need to be very persuasive.

Clause 1

Meaning of “coronavirus” and related terminology

Question proposed, That the clause stand part of the Bill.

The Chairman
With this it will be convenient to discuss the following:

Clauses 2 to 7 stand part.

Amendment 74, in clause 8, page 2, line 29, leave out “loss of”.

Amendment 75, page 2, line 34, leave out subsection (3).

Amendment 76, page 3, leave out from “care” in line 27 to the end of line 31.

Clauses 8 to 10 stand part.

Government amendment 20.

Clauses 11 to 30 stand part.

Government amendments 21 and 22.

Clauses 31 to 36 stand part.

Government amendment 40.

Clause 37 stand part.

Amendment 78, in clause 38, page 25, line 43, at end insert—

“(8) Section 153(9) is repealed.”

This amendment would abolish the lower earnings limit (currently £118pw) below which a worker is not entitled to statutory sick pay.

Clause 38 stand part.

Amendment 77, in clause 39, page 26, line 12, at end insert

“and, in particular such regulations shall deem ‘a day of incapacity’ in this part of the Act to include —

“(i) a day of self-isolation in accordance with the aforesaid guidance or published document of the aforesaid bodies;

(ii) a day reasonably necessitated to care for a person needing such care who—

(a) is suffering from severe respiratory syndrome coronavirus 2 or other communicable disease; or

(b) is self-isolating in accordance with the aforesaid guidance or published document of the aforesaid bodies; or

(c) is unable sufficiently to care for themselves and who is unable to attend an establishment or a carer who would otherwise provide care but is unable to do so by reason that the establishment or the carer is acting in accordance with the aforesaid guidance or published document of the aforesaid bodies or is unable to provide that care because others are acting in accordance with the aforesaid guidance or published document of the aforesaid bodies;

(d) qualifies for time off pursuant to s.57A Employment Rights Act 1996 (time off for dependants)."

Clause 39 stand part.

Government amendment 41.

Clauses 40 to 51 stand part.

Government amendment 79.

Clauses 52 to 57 stand part.

Government amendment 26.

Clauses 58 and 59 stand part.

Government amendments 27 to 29.

Clauses 60 to 62 stand part.

Government amendment 30.

Clause 63 stand part.

Government amendments 31 and 32.

Clauses 64 to 73 stand part.

Government amendments 33 and 23.

Clause 74 stand part.

Amendment 1, in clause 75, page 45, line 25, leave out subsection (1) and insert—

"(1) This Act expires at the end of the period of 6 months beginning with the date on which it is passed (subject to subsection (1A)).

(1A) The Secretary of State may by regulations provide for this Act (or specified provisions) to continue to have effect for an additional period not exceeding 6 months.

(1B) Regulations under subsection (1A)—

(a) shall be made by statutory instrument, and

(b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.

(1C) If this Act (or specified provisions) would expire on a day on which either House of Parliament is not expected to be sitting—

(a) Her Majesty may by Order in Council make provision of a kind that could be made by regulations under subsection (1A); and

(b) an Order in Council may not be made unless the Secretary of State has consulted—

(i) such members of the House of Commons Liaison Committee (or any Select Committee replacing that Committee) as are available, or

(ii) at a time when there is no such Committee, any available Chairs of the Committees previously represented on that Committee."

Amendment 2, page 45, line 25, after "expires", insert

"in accordance with subsection (1A) or".

This is a paving amendment for amendment 4 which provides for the Bill's emergency powers to be renewed at 6 month intervals.

Amendment 6, page 45, line 25, leave out "2 years" and insert "12 months".

This amendment would "sunset" the provisions of the Bill after one year rather than after two years.

Amendment 3, page 45, line 26, after "subject" insert "in either case".

This is a paving amendment for amendment 4 which provides for the Bill's emergency powers to be renewed at 6 month intervals.

Amendment 7, page 45, line 26, leave out "and section 76".

This amendment is linked to amendment 8 to leave out Clause 76.

Amendment 4, page 45, line 26, at end insert—

“(1A) No more than 14 sitting days before the end of the periods of 6, 12 and 18 months beginning with the day on which this Act is passed each House of Parliament shall consider, on a motion moved by a minister of the Crown, whether it wishes this Act to continue to have effect after the expiry of that period; and this Act shall expire at the end of that period unless, no less than 7 sitting days before the end of that period, each House of Parliament has resolved that it wishes this Act to continue to have effect.”

This amendment provides for the Bill’s emergency powers to be renewed at 6 month intervals.

Government amendments 34, 24 and 47.

Clauses 75 to 78 stand part.

Government amendment 37.

Clauses 79 to 82 stand part.

Government amendment 18.

Clauses 83 and 84 stand part.

Government amendments 44, 48, 80, 25, 48 to 50, 38, 39, 81, 35, 36, 42, 45, 72, 43 and 73.

Clauses 85 to 87 stand part.

Government new clause 15—Emergency arrangements concerning medical practitioners: Wales.

Government new clause 16—Disapplication of limit under section 8 of the Industrial Development Act 1982.

Government new clause 17—Elections and referendums due to be held in England in period after 15 March 2020.

Government new clause 18—Elections due to be held in Wales in period after 15 March 2020.

Government new clause 19—Six-monthly parliamentary review.

Government new clause 20—Local authority meetings.

Government new clause 21—Extension of BID arrangements: England.

Government new clause 22—Extension of BID arrangements: Northern Ireland.

Government new clause 23—Extension of time limits for retention of fingerprints and DNA profiles.

Government new clause 24—Residential tenancies: protection from eviction.

Government new clause 25—HMRC functions.

Government new clause 26—Up-rating of working tax credit etc

Government new clause 30—Business tenancies in England and Wales: protection from forfeiture etc.

Government new clause 31—Business tenancies in Northern Ireland: protection from forfeiture etc.

New clause 1—Postponement of General Synod elections—

‘(1) Her Majesty may by Order in Council, at the joint request of the Archbishops of Canterbury and York, postpone to the date specified in the Order the date on which the Convocations of Canterbury and York stand dissolved for the purposes of the Church of England Convocations Act 1966.

(2) Section 1 of that Act is, accordingly, to be read subject to provision made by an Order under this section.

(3) If either of the Archbishops is unable to exercise the power to join in making a request under subsection (1), or if the see of either of the Archbishops is vacant, the power may be exercised by the senior bishop of the province, with seniority for that purpose being determined in accordance with section 10(4) of the Bishops (Retirement) Measure 1986.

(4) An Order under this section may make consequential, supplementary, incidental, transitional or saving provision.’

The new clause would enable elections to the General Synod of the Church of England that are due to take place this summer to be postponed.

New clause 2—Parliamentary consideration of status of specified provisions of this Act—

‘(1) The specified provisions for the purposes of this section are—

(a) sections 17 to 20 (on registration of births and still-births etc),

(b) sections 23 to 27 (on food supply),

(c) sections 28 to 30 (on inquests),

(d) section 48 (on powers to direct suspension of port operations),

(e) section 49 (powers relating to potentially infectious persons),

(f) section 50 (powers relating to events, gatherings and premises), and

(g) section 56 (on powers in relation to bodies).

(2) A Minister of the Crown must make arrangements for—

(a) a motion to the effect that the House of Commons has approved the status report in respect of the provisions of this Act mentioned in each of the paragraphs in subsection (1), to be moved in that House by a Minister of the Crown within the period of 14 Commons sitting days beginning with the day after the end of the first reporting period, and

(b) a motion for the House of Lords to take note of each status report to be moved in that House by a Minister of the Crown within the period of 14 Lords sitting days beginning with the day after the end of the first reporting period.

(3) If the House of Commons decides not to approve a status report in respect of any of the sections mentioned in one or more paragraphs of subsection (1), then the sections in respect of which a status report has not been approved shall cease to have effect at the end of 7 days beginning with the day on which the House of Commons made that decision.

(4) The "status report" is the report required to be prepared by the Secretary of State under section 83 in respect of each 2 month reporting period, as modified by this section.

(5) In this section—

"Commons sitting day" means a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting if the House begins to sit on that day);

"Lords sitting day" means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);

"reporting period" has the same meaning as in section 83.'

This new clause provides for debates to be held promptly on amendable motions on the status reports laid every 2 months in relation to provisions of the Bill impinging most directly on civil liberties, with the possibility of the House of Commons terminating the exercise of powers under those provisions.

New clause 3—Parliamentary scrutiny: status report on specified matters—

'(1) If when a status report to which section [Parliamentary consideration of status of specified provisions of this Act] applies is made under section 83 Parliament stands prorogued to a day after the end of the period of 5 days beginning with the date on which the status report is laid before Parliament, Her Majesty shall by proclamation under the Meeting of Parliament Act 1797 (c. 127) require Parliament to meet on a specified day within that period.

(2) If when a status report to which section [Parliamentary consideration of status of specified provisions of this Act] applies is made under section 83 the House of Commons stands adjourned to a day after the end of the period of 5 days beginning with the date on which the regulations are made, the Speaker of the House of Commons shall arrange for the House to meet on a day during that period.

(3) If when a status report to which section [Parliamentary consideration of status of specified provisions of this Act] applies is made under section 83 the House of Lords stands adjourned to a day after the end of the period of 5 days beginning with the date on which the regulations are made, the Speaker of the House of Lords shall arrange for the House to meet on a day during that period.

(4) In subsections (2) and (3) a reference to the Speaker of the House of Commons or the Speaker of the House of Lords includes a reference to a person authorised by Standing Orders of the House of Commons or of the House of Lords to act in place of the Speaker of the House of Commons or the Speaker of the House of Lords in respect of the recall of the House during adjournment.'

This new clause provides for Parliament to be recalled from adjournment or prorogation to debate status reports which must be made every 2 months under Clause 83 of the Bill.

New clause 4—Duty to support basic means of living—

'The Prime Minister must make, and lay before Parliament, arrangements to ensure that everyone in the United Kingdom has access to the basic means of living including food, water, fuel, clothing, income and housing, employing all available statutory and prerogative powers.'

This new clause sets an overarching responsibility for the Government to use all its powers to ensure that everyone in the United Kingdom has access to the basic means of living throughout the present coronavirus emergency.

New clause 5—Guidance on identification, support and assistance for victims of slavery or human trafficking during the coronavirus emergency—

'(1) The Secretary of State must issue guidance to such public authorities and other persons as the Secretary of State considers appropriate about continuing the process for identifying persons in the United Kingdom who may be a victim of slavery or human trafficking during the coronavirus emergency.

(2) The Secretary of State must issue guidance to such public authorities and other persons in England and Wales as the Secretary of State considers appropriate about continuing arrangements for providing assistance and support to persons during the coronavirus emergency where there—

(a) are reasonable grounds to believe the person may be a victim of slavery or human trafficking; and

(b) is a conclusive determination that the person is a victim of slavery or human trafficking.

(3) The guidance in subsection (2) must include—

(a) whether a victim who is on immigration bail must remain at an address where another occupant is experiencing the coronavirus disease;

(b) on-going provision of a support worker to victims and the ability of the victim to receive financial support, where either a support worker or a victim has the coronavirus disease or has had to self-isolate;

(c) provision of accommodation for victims who may need to leave current accommodation because of concerns about the coronavirus disease; and

(d) provision of accommodation for victims who have the coronavirus disease.

(4) The Secretary of State must liaise with the Northern Ireland Executive and Scottish Ministers about how the guidance issued under subsection (2) may have relevance for the support and assistance of victims in those jurisdictions.

(5) For the purposes of subsection (2)—

(a) there are reasonable grounds to believe that a person is a victim of slavery or human trafficking if a competent authority has determined for the purposes of Article 10 of the Trafficking Convention (identification of victims) that there are such grounds;

(b) there is a conclusive determination that a person is or is not a victim of slavery or human trafficking when, on completion of the identification process required by Article 10 of the Trafficking Convention, a competent authority concludes that the person is or is not such a victim.

(c) "competent authority" means a person who is a competent authority of the United Kingdom for the purposes of the Council of Europe Convention on Action against Trafficking in Human Beings.'

This new clause requires the Government to set out its plans for continuing to identify and support victims of modern slavery during the coronavirus emergency.

New clause 6—Powers relating to transport for isolated and island communities—

'(1) The Secretary of State, or relevant Minister in the devolved Administrations, may issue a direction to such ferry, bus and rail operators as the Secretary of State or relevant Minister thinks fit to—

(a) work together to produce a plan for the continuing provision of a resilient transport service to isolated and island communities; and

(b) implement the plan to a timescale specified by the Secretary of State or relevant Minister.

(2) The plan in subsection (1)(a) must cover—

(a) the provision of food, medicines and other essential goods; and

(b) the provision of passenger transportation to enable people to travel for essential purposes, including medical purposes.

(3) The direction in subsection (1) supersedes all existing legislation, including but not limited to the Competition Act 1998, that would otherwise prevent operators from working together in the ways set out in subsections (1) and (2).

(4) The direction in subsection (1) must be given in writing to the ferry, bus and rail operators concerned.

(5) In this section “isolated communities” means:

(a) islands that are part of the United Kingdom but are not connected to the mainland by a bridge or tunnel, or

(b) communities with a population density of less than 100 people per kilometre.’

New clause 7—Immigration and Asylum—

‘Schedule ( ) contains temporary changes to immigration and asylum laws and procedures for the purposes of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination.’

This new clause is linked to NS1.

New clause 8—Provision of education to pupils no longer attending school—

‘(1) A school or provider of 16 to 18 education that closes because of the coronavirus outbreak, whether because of a temporary closure direction issued under Schedule 15 or otherwise, has a duty to ensure that its pupils continue to receive educational provision.

(2) The educational provision in subsection (1) may include—

(a) lessons set by a teacher, such as via videoconferencing or the setting of assignments, or

(b) teaching resources, including but not limited to textbooks or software.

(3) The Secretary of State must, as soon as is reasonably practicable, indemnify the school or provider of 16 to 18 education for all reasonable purchases of teaching resources for pupils and staff that the head of the school or provider of 16 to 18 education considers necessary for it to fulfil the duty in subsection (1).

(4) In this section, “provider of 16 to 18 education” means

(a) a 16 to 19 Academy, within the meaning of section 1B of the Academies Act 2010;

(b) an institution within the further education sector, within the meaning of section 91(3) of the Further and Higher Education Act 1992;

(c) a provider of post-16 education or training—

(i) to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 applies, and

(ii) in respect of which funding is provided by, or under, arrangements made by the Secretary of State, a local authority or a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,

but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees.'

New clause 9—Social security—

'(1) The Secretary of State must, by regulations —

(a) increase the value of the benefits specified in subsection (2) so that, for the tax year beginning on 6 April 2020—

(i) an individual not in work will be awarded at least £150 per week, and

(ii) a couple who are both not in work will be awarded at least £260 a week.

(b) disapply the minimum income floor of universal credit for the tax year beginning on 6 April 2020;

(c) provide that, for the tax year beginning on 6 April 2020—

(i) households newly claiming universal credit receive an advance of their first payment by default, and

(ii) households in sub-paragraph (i) are not required to repay any part of this advance for a period of at least six months beginning with the date on which they received the advance; and

(d) make provision to ensure that claimants of universal credit, jobseeker's allowance and Employment and Support Allowance are not subject to sanctions in the tax year beginning on 6 April 2020.

(2) The benefits to be increased under subsection (1)(a) are—

(a) the standard allowances of universal credit,

(b) jobseeker's allowance, and

(c) employment and support allowance.

(3) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.'

New clause 10—Expiry—

'(1) Except so far as otherwise provided under this section, the provisions of this Act expire at the end of the period of 3 months beginning with the day on which this Act is passed.

(2) The Secretary of State may by regulations provide that any provisions of this Act do not expire at the time when it would otherwise expire under subsection (1) but is to continue in force after that time for a period not exceeding 3 months.

(3) The power under subsection (2) may not be used to continue any of the provisions of this Act in force any later than a period of 2 years beginning with the day on which this Act is passed.

(4) A statutory instrument containing regulations under subsection (2) may not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House.'

The new clause would set an expiry date on the provisions of the Act at the end of a period of 3 months beginning on the day when the Act is passed unless they are continued in force by means of affirmative regulations. Provisions could continue in force for no longer than 3 months at a time, up to a period of 2 years from when the Act was initially passed.

New clause 11—Statutory sick pay: rate of payment—

'The Social Security Contributions and Benefits Act 1992 is amended as follows:

"In section 157, subsection (1), leave out "£94.25" and insert "£220"."'

This new clause would increase the weekly rate of Statutory Sick Pay from £94.25 to £220.

New clause 12—European Union: extension of implementation period etc—

'(1) Section 33 of the European Union (Withdrawal Agreement) Act 2020 is repealed.

(2) It shall be an objective of the Government to secure a decision by the UK-EU Joint Committee to extend the transition period for up to 1 or 2 years as per Article 132 of the Withdrawal Agreement.

(3) It shall be an objective of the Government to secure an agreement within the framework of the future relationship of the UK and EU to maintain continued and full membership of the EU Early Warning System.

(4) A Minister of the Crown shall lay before each House of Parliament a progress report on the objective in subsection (1) and subsection (2) within 2 months of this Act being passed, and subsequently at intervals of no more than 2 months.'

This new clause would require the Government to (i) repeal Section 33 of the European Union (Withdrawal Agreement) Act 2020, (ii) seek an extension of the negotiation period for the UK-EU future relationship, and (iii) seek to maintain continued and full membership of the EU Early Warning System, in order to respond effectively to the global COVID-19 pandemic.

New clause 13—Statutory self-employment pay—

‘(1) The Secretary of State must, by regulations, introduce a scheme of Statutory Self-Employment Pay.

(2) The scheme must make provision for payments to be made out of public funds to individuals who are

(a) self-employed, or

(b) freelancers.

(3) The payments to be made in subsection (2) are to be set so that the net monthly earnings of an individual specified in subsection (2) do not fall below—

(i) 80 per cent of their monthly net earnings, averaged over the last three years, or

(ii) £2,917

whichever is lower.

(4) No payment to be made under subsection (2) shall exceed £2,917 per month.

(5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.’

The purpose of this amendment is to make the Government ‘top up’ self-employed workers’ earnings to the lower of 80% of their net monthly earnings averaged over three years, or £2,917 a month.

New clause 14—Social care provisions—

‘(1) Within 10 days of the date on which this Act is passed the Secretary of State must lay before Parliament a comprehensive report outlining how the Government will guarantee provisions for social care while this Act is in force.

(2) The reports must make reference to but are not limited to—

(a) an outline of the funding available to social care providers, and

(b) any other provisions in place or to be introduced to ensure that social care standards are maintained to as high a level as possible.

(3) The Secretary of State must lay before Parliament an updated proposal in the same terms every three months from the date on which this Act is passed.’

This new clause requires the Secretary of State to publish a comprehensive proposal outlining how the Government will guarantee provisions for social care while this Act is in force.

New clause 27—Universal access to healthcare—

‘(1) Section 39 of the Immigration Act 2014 is omitted.

(2) A reference in the NHS charging provisions to persons not ordinarily resident in Great Britain shall not include a reference to a person who is physically present in Great Britain.

(3) A reference in the NHS charging provisions to persons not ordinarily resident in Northern Ireland shall not include a reference to a person who is physically present in Northern Ireland.

(4) The “NHS charging provisions” are—

(a) section 175 of the National Health Service Act 2006 (charges in respect of persons not ordinarily resident in Great Britain),

(b) section 124 of the National Health Service (Wales) Act 2006 (charges in respect of persons not ordinarily resident in Great Britain),

(c) section 98 of the National Health Service (Scotland) Act 1978 (charges in respect of persons not ordinarily resident in Great Britain),

(d) article 42 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)) (provision of services to persons not ordinarily resident in Northern Ireland).

(5) The Secretary of State shall cease all data sharing between the Home Office and NHS Digital, any NHS Trust, or any other part of the National Health Service where it takes place in connection with—

(a) NHS charging,

(b) the compliant environment, or

(c) any other immigration function.

(6) The Secretary of State shall take appropriate steps to communicate the effect of this section to people who, but for the provisions of this section, would have been considered under the NHS charging provisions to be persons not ordinarily resident in Great Britain or in Northern Ireland.

(7) In taking the steps in subsection (5) the Secretary of State shall have regard to the following—

(a) the public interest in and public health benefits of all persons physically present in the United Kingdom feeling safe in presenting to medical officials if they fall ill, and

(b) the particular needs and vulnerability of the groups in question.’

This new clause is intended to safeguard public health by ensuring every person in the United Kingdom is able to access NHS care without incurring a financial penalty or immigration sanction.

New clause 28—Power to cap prices—

‘(1) An appropriate authority may declare a state of disruption to the food supply chain.

(2) A state of disruption may not last longer than 180 days from the date of the declaration.

(3) During a declared state of disruption it is prohibited to charge a price that exceeds an amount equal to or in excess of 10 per cent of the average price at which the same or similar consumer goods or services were obtainable during the seven days prior to the declared state of disruption.

(4) The provisions of this section shall not apply if the increase in price is substantially attributable to additional costs that arose within the food supply chain in connection with the sale of consumer goods and services.

(5) The appropriate authority may direct trading standards officers to investigate apparent breaches of this section.

(6) If the appropriate authority is satisfied, on the balance of probabilities, that a person has, without reasonable excuse, failed to comply with this section, the appropriate authority may impose a financial penalty on that person in accordance with Schedule 14.’

New clause 29—Monitoring body: effect of Schedule 11 to this Act—

‘(1) The Secretary of State shall, within seven days of the date on which this Act is passed, appoint by order a body (‘the relevant body) to monitor the effect of Schedule 11 to this Act.

(2) The relevant body must—

(a) advise central government about the effect of Schedule 11 to this Act;

(b) recommend to central government the amendment, suspension or repeal of Schedule 11 to this Act.

(3) The relevant body must publish a report in respect of subparagraphs (1) and (2) at least once every 8 weeks during any period in which Schedule 11 is operation.

(4) In this section “central government” means Her Majesty‘s Government.’

The purpose of this new clause is to ensure that the impact of Schedule 11 is subject to appropriate monitoring and review by an appropriate body such as the Equality and Human Rights Commission.

New clause 32—Statutory sick pay: extension of entitlement—

‘The Social Security Contributions and Benefits Act 1992 has effect as if in section 163 (Interpretation of Part XI and supplementary provisions) after subsection (1) there were inserted—

“(1A) Regulations shall provide that in relation to those specified in section 151(4A)—

(a) the expression ‘employee’ shall for the purposes of Part XI of this Act mean a human person who—

(i) seeks to be engaged by another to provide labour,

(ii) is engaged by another to provide labour, or

(iii) where the employment has ceased was engaged by another to provide labour, and is not, in the provision of that labour, genuinely operating a business on his or her own account.

(b) An ‘employer’ in relation to an employee is—

(i) any person or entity who engages or engaged the employee, and

(ii) any person or entity who substantially determines terms on which the employee is engaged at any material time.

(c) ‘contract of service shall mean any contract by which the employee is engaged by another to provide labour and ‘employed’ ‘employment’ mean engaged as an ‘employee’.

(d) For the purposes of the regulations, an agency worker shall be treated as an employee of both the employment agency or employment business which arranged for him to provide labour to another and the end user of his labour; and ‘employment agency ‘ and employment business’ shall have the meanings set out in section 13 of the Employment Agencies Act 1973.

(e) It shall be for the person who is claimed to be the employer and contests that claim to show in any legal proceedings that he or she is not the employer.’

New clause 33—Statutory sick pay: self-employed people—

‘A person who is self-employed and genuinely operating a business on his or her account and who suffers losses directly attributable to the coronavirus outbreak shall be entitled to reimbursement of those losses by the Secretary of State under regulations which the Secretary of State must lay before Parliament for approval.’

New clause 34—Statutory sick pay uprating—

‘The Social Security Contributions and Benefits Act 1992 has effect as if in section 157 (rates of payment) after subsection (2) there were inserted—

“(2A) The Secretary of State shall by Order substitute the following rate of statutory sick pay for all those to whom the regulations under section 151(4A) may apply: 90 per cent of a week’s pay calculated in accordance with the provisions of sections 220 to 229 Employment Rights Act 1996, save that the maximum provided for in section 227(1) shall be for the purposes of section 2A of the Social Security Contributions and Benefits Act 1992 the sum of £577 per week and the minimum shall be the rate of the Real Living Wage multiplied by the worker’s working hours which number of hours shall be calculated in accordance with sections 220 to 229 Employment Rights Act 1996.

(2B) An employer who is entitled to reimbursement from the Secretary of State in respect of statutory sick pay or any payment under the Coronavirus Job Retention Scheme or any other grant or loan from the Secretary of State in relation to coronavirus must—

(a) not dismiss any employee for a reason which includes redundancy related to the coronavirus outbreak of 2020 and any such dismissal shall be regarded for the purposes of Part X of the Employment Rights Act 1996 as an unfair dismissal,

(b) pay, in accordance with subsection 2A or in accordance with the scheme of the Job Retention Scheme if more beneficial to the employee, an employee who would otherwise be at risk of redundancy or is put on fewer hours work than normal for a reason related to the coronavirus outbreak of 2020,

(c) at the discretion of the Secretary of State, cease to be entitled to any further reimbursement from the Secretary of State in respect of statutory sick pay or any payment under the Coronavirus Job Retention Scheme or any other grant or loan from the Secretary of State in relation to coronavirus, and may be required to pay back some or all of any such sum received if the employer has failed to pay, in accordance with subsection 2A, an employee who would otherwise be at risk of redundancy or has dismissed an employee for a reason which includes redundancy related to the coronavirus outbreak of 2020."'

This amendment uprates statutory sick pay to the level of 90 per cent of the worker's normal earnings and makes provision for maximum and minimum rates.

New clause 35—Provision of personal protective equipment—

'Without prejudice to the duties of employers pursuant to sections 2,3 and 4 of the Health and Safety etc Act 1974 and pursuant to the regulations made thereunder and their duties in common law, the Secretary of State has a duty to ensure the provision of suitable and adequate personal protective equipment to all health, care and emergency service workers who are exposed to the risk of contracting coronavirus in the normal course of their work.'

This amendment would impose a duty on the Secretary of State to ensure the provision of personal protective equipment as part of their ministerial role.

Schedules 1 to 6.

Amendment 64, in schedule 7, page 90, line 9, leave out

"is impractical or would involve undesirable delay"

and replace with "would involve unreasonable delay".

The purpose of this amendment is to restrict the use of single practitioner recommendations to situations where this would cause unreasonable delay in the recommendation being made. This will protect patients in a way that a broader power to use single practitioner recommendations where obtaining two recommendations was said to be 'impractical' or involve 'undesirable delay' would not.

Amendment 65, in page 90, line 31, at end insert—

“(10) A single recommendation may not be made by a practitioner employed by a private sector body, if it is being contemplated that the patient may be detained in a hospital run by the relevant private sector body.”

The purpose of this amendment is to ensure that patients cannot be detained solely on the recommendation of a doctor employed by a private hospital where it is envisaged that they will or may be detained at that hospital.

Government amendments 15 and 16.

Schedules 7 to 10.

Amendment 57, in schedule 11, page 111, line 19, at end insert—

“(3) In this Part of this Schedule, the phrase “does not have to comply with any duties” means that a local authority does not have to comply with the relevant duty only if it would not be reasonably practicable to do so.”

The purpose of this amendment, along with amendments 58 and 59, is to require local authorities to discharge their Care Act duties and in particular meet needs for care and support which would currently be ‘eligible’ needs where it is reasonably practicable for them to do so. This will provide a measure of protection to disabled people while permitting local authorities to take account of all relevant circumstances in the commissioning and delivery of adult social care.

Amendment 14, in schedule 11, page 112, line 33, at end, insert—

“(d) the local authority has the necessary resources to meet those needs or can make funding available in advance or arrears to meet those needs.”

This amendment would make the duty on a local authority to meet an adult’s needs for care and support conditional upon the local authority having available resources or the ability to access additional resources to fulfil that duty.

Amendment 59, page 113, line 8, after “Convention rights” insert

“or the local authority considers, on the information available to it, that it is likely the adult’s needs would have met the eligibility criteria previously established by the Care and Support (Eligibility Criteria) Regulations 2014 and that it would be reasonably practicable to meet those needs”.

See explanatory statement for Amendment 57.

Amendment 58, page 113, line 30, after “Convention rights” insert

“or the local authority considers, on the information available to it, that it is likely the adult’s needs would have met the eligibility criteria previously established by the Care and Support (Eligibility Criteria) Regulations 2014 and that it would be reasonably practicable to meet those needs”.

See explanatory statement for Amendment 57.

Amendment 60, page 117, line 18, at end insert—

“(3) In this Part of this Schedule, the phrase “does not have to comply with any duties” means that a local authority does not have to comply with the relevant duty only if it would not be reasonably practicable to do so.”

This amendment and Amendments 61 to 63 have the same objectives in relation to the Welsh legislation as the amendments 57 to 59 above have in relation to the Care Act in England.

Amendment 62, page 119, leave out lines 2 to 4 and insert—

“(3) Condition 2 is that the local authority considers, on the information available to it, that it is likely the carer’s needs would have met the eligibility criteria previously in force and it is reasonably practicable to meet those needs.”, and”

See explanatory statement for Amendment 60.

Amendment 63, page 119, leave out lines 7 to 10 and insert—

“(3) Amod 2 yw bod yr awdurdod yn ystyried, o’r wybodaeth sydd ar gael ar y pryd, ei fod yn debygol bod anghenion y gofalwr eisoes wedi cyrraedd meini prawf cymhwysedd mewn rheolaeth, a’i fod yn rhesymol y gellid cyflawni’r anghenion ymarferol hynny.”

See explanatory statement for Amendment 60.

Amendment 61, page 119, line 40, at end insert

“and replaced with “the local authority considers, on the information available to it, that it is likely the adult’s needs would have met the eligibility criteria previously in force and it is reasonably practicable to meet those needs”.”

See explanatory statement for Amendment 60.

Schedules 11 to 13.

Amendment 53, in schedule 14, page 136, line 2, after “chains” insert

“and power to cap prices”.

Amendment 54, page 136, line 5, after “section 26” insert “or [Power to cap prices]”.

Schedules 14 and 15.

Amendment 71, in schedule 16, page 165, line 20, at end insert—

“(1A) Before making any notice in accordance with subparagraph (1), the Secretary of State shall consult with such persons as appear to him to be appropriate, unless they consider that in the particular circumstances it is not reasonably practicable to undertake any such consultation. The Secretary of State shall in particular consider whether they can discharge their duty in sub-section (a) by consultations with representative bodies for pupils, students, parents, teachers, other professionals and local authorities, as they consider appropriate.”

This amendment is linked to amendment 68.

Amendment 68, page 167, line 26, leave out ‘used reasonable endeavours’ and insert ‘taken all practicable steps’.

This amendment and amendments 69 and 70 are intended to be to the modifications to section 19 Education Act 1996, sections 508A-508F Education Act 1996 and section 42 of the Children and Families Act 2014 plus the new sub-paragraph on consultation added in after para 5(1) of schedule 16.

Amendment 69, page 167, line 36, leave out ‘used reasonable endeavours’ and insert ‘taken all practicable steps’.

This amendment is linked to amendment 68.

Amendment 70, page 170, line 33, leave out ‘used reasonable endeavours’ and insert ‘taken all practicable steps’.

This amendment is linked to amendment 68.

Schedules 16 and 17.

Government amendment 19.

Schedules 18 and 19.

Government amendments 9 to 13.

Schedule 20.

Government amendments 55 and 56.

Schedules 21 and 22.

Government amendment 82.

Schedules 23 and 24.

Government amendment 5.

Schedules 25 to 26.

Government amendment 51.

Amendment 66, in schedule 27, page 317, line 6, at end insert—

“5A In respect of sub-paragraphs 5 (a), (b) and (c), where a deceased is to be cremated and it goes against their religious belief, the designated authority must consult the next of kin or designated Power of Attorney or the relevant local faith institution in so far as reasonably possible, to find a suitable alternative before proceeding with the cremation.”

This amendment and linked Amendment 67 would require a local authority to consult the next of kin, designated Power of Attorney or local faith institutions (such as a church, mosque or synagogue) for support in order to respect an individual’s wishes.

Amendment 67, page 317, line 8, at beginning insert

“Having had due regard to paragraph 5A of this Part,”.

Government amendment 52.

Schedule 27.

Government new schedule 2—Emergency arrangements concerning medical practitioners: Wales.

Government new schedule 3—Residential tenancies: protection from eviction.

New schedule 1—Measures in relation to immigration and asylum—

Part 1

rules in relation to no recourse to public funds

20 The Secretary of State must consult the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health and Social Care on the impact of no recourse to public funds rules on preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination.

21 The Secretary of State must, by regulation, make such amendments to no recourse to public funds rules as considered necessary in light of the consultation referred to in paragraph 1.

22 In this schedule, “no recourse to public funds rules” includes any provision prohibiting access to public funds or other forms of publicly financed support by those who require leave to enter or remain in the United Kingdom, including, but not limited to, section 115 of the Immigration Act 1999.

Part 2

immigration detention

23 The Secretary of State must consult the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health and Social Care on the impact of immigration detention on preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination.

24 (1) Within seven days of the date on which this Act is passed, the Secretary of State must review the list of countries to which imminent removal of immigration detainees is possible.

(2) In light of that review, the Secretary of State must make arrangements to end the detention of any individual who cannot be removed imminently, consistent with preventing, protecting against, controlling and providing a public health response to the incidence or spread of infection or contamination.

Part 3

asylum processes

25 (1) The Secretary of State must consult the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health and Social Care on the impact of asylum processes on preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination.

(2) The matters to be consulted on under sub-paragraph (1) include, but are not restricted to—

(a) requirements for individuals to report or attend interviews as part of the asylum process;

(b) the nature and extent of asylum accommodation and rules in relation to eviction from asylum accommodation;

(c) the nature and extent of financial support for asylum seekers;

(d) the nature and extent of financial support for local authorities in asylum dispersal areas.

Part 4

extension of leave to remain

26 7. The Secretary of State must make provision, by statement of changes to the immigration rules, to allow for leave to remain for individuals whose previous leave expires during the period in which this Act is in force, or whose leave expired in the 14 days prior to the date on which this Act is passed.

This new schedule contains temporary changes to immigration and asylum laws and procedures for the purposes of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination.

Chris Bryant (Rhondda) (Lab)
I rise merely to refer to the issue of the timing and the length of the Bill. As Members will know, the Minister said in the previous debate that the Government were tabling a new clause that would allow the Bill to be on the statute book for two years but with an opportunity after six months to vote on whether the temporary measures in it should remain. I urge the Minister to look carefully at that new clause, because I think it is defective. New clause 19 states clearly:

"'relevant temporary provision'" means any provision of this Act—

(a) which is not listed in section (2) (provisions not subject to expiry)"

I cannot find that section anywhere, so I do not think that the new clause works in law. I may be completely wrong—I may have missed something—and if so, I hope the Minister can enlighten me. I do not think there is any conspiracy here; it may just be that something has been missed.

Like the right hon. Member for Haltemprice and Howden (Mr Davis), my anxiety from the start has been that two years is a long time to have such draconian measures on the statute book and that to have them on the statute book without a moment when the House, rather than Ministers, can decide to switch individual measures on or off is quite problematic. The Government have already used the Public Health (Control of Disease) Act 1984 to table statutory instruments to close pubs, restaurants, casino, spas, gyms and so on. That secondary legislation still has to go through the House under the 1984 Act, and the Commons and the Lords have to vote in favour of it within 28 days of it being tabled.

Likewise, if the Government had gone down the route of the Civil Contingencies Act 2004, they would have needed to come back to Parliament every 30 days for each of the individual powers that they presented under that Act, and if the House chose not to allow those powers to remain, the Government would not be able to continue using them. In addition, the 2004 Act makes it clear that if Parliament is adjourned for more than four days, or even if it is prorogued, the Speaker and the monarch have to summon Parliament.

Mr David Davis (Haltemprice and Howden) (Con)
The hon. Gentleman may be coming to this, but there is one other element: putting this in primary legislation rather than secondary takes it out of the purview of the courts., so here we have one of the heaviest-duty Acts we have seen post war prevented from undergoing judicial review in the interests of citizens.

Chris Bryant
I agree, and I do not understand why the Government have gone in this direction. I have been told in several private meetings that it is because they believe that the Civil Contingencies Act 2004 can only be used when they do not know that something is coming down the line, but I think the definition of an "emergency" in section 19 of the 2004 Act would allow for every single thing that we are considering.

I tabled an amendment, and I must apologise to the hon. Member for The Wrekin (Mark Pritchard), because it is entirely my fault that, by accident, his name ended up on my amendment. I am terribly sorry. If the Government Whips want to beat anybody up, they should beat me up. There is a serious point here, which is that if the Government are going to take draconian powers and give themselves the power to switch them on and off, that should come back to Parliament more frequently even than is allowed for in the Government's amendment.

Mr Andrew Mitchell (Sutton Coldfield) (Con)
The hon. Gentleman may well be right about the Civil Contingencies Act, because the drafter of that legislation has confirmed that that is his understanding—at least, I believe that to be the case. I agree that two years is too long. I would have preferred the amendment tabled by my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) to be adopted. I do not think there is any sense in the Committee that we want to vote on this. We want to put the Government on notice that the length of time is a matter of concern and we must have a chance to review the legislation; the Government appear to be moving towards agreeing to six-monthly reviews. Although I completely agree with the hon. Gentleman about the importance of the matters that he has sought to enshrine in his amendment, I think that that would encapsulate the will of the Committee.

Chris Bryant
I have absolutely no intention of dividing the House. The nation does not need dividing and I do not think the Committee needs dividing on these matters either. I am grateful to the Government, who have tried to be in as listening a mood as they possibly can. My anxiety, however, is that the Government's amendment, as tabled, is defective and simply does not work. My anxiety is that in six months' time the Government will present us with a take it or leave it argument—you've either got the whole Act and all the provisions carrying on for another six months or you've got to leave it —and retain those powers for another 18 months.

Mark Pritchard (The Wrekin) (Con)
rose—

Chris Bryant
I have to give way to the hon. Gentleman.

Mark Pritchard
I am grateful to the hon. Gentleman for giving way. He has been very gracious in his apology and I thank him very much indeed for that. He says he does not want a Division tonight, which is welcome, and he says that the Government's amendment is, in his view, defective. However, in principle, does he accept the Government conceding a six-month break?

Chris Bryant
Personally, I would prefer the time period to be shorter. I would prefer Government Ministers not to be switching powers on and off, because that will lead to them being more queried by the nation at large. I prefer something more like a three-month period when they have these powers, with regular review by the House, but I am not going to die in a ditch. There are no ditches here. I laud the Government for the movement that they have made, but they may still need to move some way further. It may be that they need to amend their own amendment when it goes to the House of Lords.

Mr David Davis (Haltemprice and Howden) (Con)
I rise to speak specifically to amendment 6, in my name and those of others, and to the Government amendment.

The Secretary of State himself said that the Bill has an astonishing range of powers: from forced quarantine to cancelling elections; and from allowing single doctors to section people to reducing parliamentary oversight of intelligence gathering. That is just a taster, but there is much, much more. The Opposition Health spokesman described it as having a draconian impact on many basic freedoms. As the hon. Member for Rhondda (Chris Bryant) has just said, many, if not all, of those powers are actually to be found in two pre-existing Acts. The Public Health (Control of Disease) Act 1984—the year 1984 is ironic—was designed for exactly the position we are in now: dealing with pandemics and epidemics. It was amended later, I think in 2008, to make it even more specific. The 1984 Act contains the vast majority of measures the Government need. As the hon. Gentleman said, it has been used already for the closure of pubs, restaurants and so on through secondary legislation.

The other Act is the Civil Contingencies Act 2004. As the hon. Gentleman said, the Government could have used that. The Government have argued, most recently last week at business questions, that this is the wrong sort of emergency—sort of like the wrong kind of snow—to fall under the remit of the Civil Contingencies Act. I have to tell the Government that they are plain wrong. I was here for the debates on the Civil Contingencies Act. I remember the arguments about what it would and would not apply to, and this is specifically the case. It is not just me. I am not a lawyer, but a number of public lawyers of my acquaintance think the Government are wrong. Most importantly—my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell) alluded to this—we can call on an even greater authority. After business questions last week, I made a point of order to ask Mr Speaker if we could get the opinion of his counsel, Mr Daniel Greenberg. I will read the relevant paragraph to the House—it is only a couple of lines. He said:

“The 2004 Act (which I wrote), including the powers to make emergency provision under Part 2, is clearly capable of being applied to take measures in relation to coronavirus.”

The man who wrote the Act, the most authoritative source in this House, Mr Speaker’s Counsel, who is completely impartial, says that the Government are wrong, they could have used the Civil Contingencies Act.

Steve Brine (Winchester) (Con)
Further to my right hon. Friend’s point, when the pandemic influenza Bill was drafted—I spoke about it on Second Reading—it was agreed that if specific circumstances at the time meant the freestanding Bill, on which the Coronavirus Bill is based, was not able to be brought forward to the House, clauses could very easily be converted into regulations under part 2 of the Civil Contingencies Act. I remember those discussions very clearly from being in office at the time. My right hon. Friend has a point.

20:15:00

Mr Davis
I am glad to get my hon. Friend’s support. He has always been assiduous in these matters and he is right on that point. A reasonable person might say, “Well, the logical argument surely is that if all

the powers are identical to ones that exist already, what am I complaining about?" That is a reasonable question. The reason is that the Bill loses many of the checks and balances in the preceding emergency legislation.

I was not quite here for the 1984 legislation, but I was for the later ones, and those of us who put these things through the House fought hard and long to get the proper restrictions on Government power and the proper requirements to bring the legislation back to the House so that the House could approve it. The requirements are all in there, including it having to be cleared in seven days, us having to be recalled in five days if we are in recess and it having to be done through secondary legislation, which makes it capable of judicial review. I know that the Government do not like judicial review, but nowhere is it more important than when the Government exercise powers at the expense of citizens and the courts have to step in.

As the hon. Member for Rhondda (Chris Bryant) said, the six-monthly review that the Government have conceded is an important concession, but only if the House can amend or strike out. Anything else puts the House in the position of having to vote for a Bill that might be horrific in one part because the other three parts are essential—not likeable, not pleasant, not beneficial, but essential—for fighting this real threat.

Do not get me wrong: coronavirus is a real threat. I have made these arguments over the years when the House has considered similar legislation relating to terrorism. We are facing 10 to 100 times the death rate in one year than the death rate from terrorism in 10 years. Of course there is a real threat, but we will be put in a position of saying either we take the whole Bill—three-quarters vital and one quarter horrible—or we strike down something that is vital for protecting the public. That is the position that this House has been in over the 30 years—I am looking straight at the Leader of the Opposition now, because he and I were in the same Lobby time and again—when counter-terrorism regulations were put through on a rubber stamp precisely to protect the public. That is why Labour Members—if they will forgive me for giving them advice—should be pressing for an amendable approval at six months.

Nick Thomas-Symonds (Torfaen) (Lab)
We have already said that.

Mr Davis
Good, excellent. I am glad Opposition Members are learning. Having an amendable approval at six months makes things completely different, because it means the House can say, "We need to prune this. We need to reduce the size of this legislation."

Mr Steve Baker (Wycombe) (Con)
Will my right hon. Friend join me in calling on the Opposition also to adopt his amendment putting a sunset on this Bill of one year, not two?

Mr Davis
I will come to that in a moment.

Nick Thomas-Symonds
I am grateful to the right hon. Gentleman for giving way. I confirm that I said in the Second Reading wind-up—I confirm it again—that with the six-monthly votes at six, 12 and 18 months,

which are already in the Government amendment, it would be helpful if the Government confirmed that those votable motions are also amendable. If they are amendable, it covers the point being made by the right hon. Gentleman that part of the legislation could then be switched off, but not all of it.

Mr Davis
I am now glad that I teased the hon. Gentleman, because it got something very useful on the record. If I may pick up on the point made by my hon. Friend the Member for Wycombe (Mr Baker), it is why I tabled amendment 6, which recognises that the Government need these new powers and that parliamentary counsel have created a 320-page Bill in what sounds like a matter of days—in truth, they did it in an astonishingly short amount of time. They have done it at a time, however, when scientific evidence is, to put it mildly, fragile and likely to change. It has changed already in the past two weeks and is likely to change again as different tests, different vaccines and so on become available. Scientific evidence will change. Economic analysis of future outcomes is unbelievably uncertain and the societal effects are completely unknown. The Bill is guaranteed to have flaws, even with the best draftsmen in the world.

Amendment 6 therefore proposes that instead of the sunset being two years, which anyway is too long, it would be one year. We invite the Government to write a new Bill in nine months. If they think the Bill is perfect in nine months, put it back again and we will put it through again, but this time, with three months for the House to consider it. Remember, the Civil Contingencies Act 2004 took a whole year to go through both Houses, so with three months we would have proper democratic approval of the process.

Liam Byrne (Birmingham, Hodge Hill) (Lab)
The right hon. Gentleman is making an excellent speech. There will, of course, be many things that we learn, not just things we need to take out of the Bill but critical measures that we need to put in, so flexible legislation will be essential as we go through the emergency and learn things.

Mr Davis
I agree. I think the Government have done a pretty good job so far in the face of unbelievably difficult judgments and decisions. The Americans talk about drinking from a fire hose, which is how every Minister in this Government must feel because of the information and problems arriving on their desk every day.

The right hon. Gentleman is right that there will be changes in the science and in the economics. We will also know, frankly, what worked and what did not work in the previous nine months. If we then allow Parliament three months to scrutinise it, we will get good, solid law that is well supported on both sides of the House. We will have the sort of debate we have had today, which has been one of the better debates I have heard in years because both sides are committed to the same cause.

Finally, I recommend that colleagues read the report on this Bill published at lunchtime today by the Delegated Powers and Regulatory Reform Committee of the House of Lords. That expert Committee considers our legislation and makes recommendations to the other House, and it is led by Lord Blencathra—those who have been here a long time may remember him as David Maclean, a tough, no-nonsense Security Minister at the Home Office. The Committee’s analysis is very clear and very straightforward, and it is not a libertarian fantasy. This is the conclusion, the last five lines of a five-page report:

“We anticipate that the House may well wish to press the Minister for an explanation about why the expiry date was not set at one year, thereby enabling the Government to exercise the powers needed in the immediate future while allowing a further bill to be introduced and subject to parliamentary scrutiny in slower time.”

A House of Lords Committee has arrived at exactly the same conclusion on this Bill as my amendment proposes.

Nick Thomas-Symonds
I rise to speak, ostensibly, to amendments 2 to 4 and new clause 4, in my name and in the names of my hon. and right hon. Friends.

This is certainly no criticism of the Public Bill Office, which has worked extraordinarily well under huge pressure, nor of Ministers or, indeed, of officials working under tremendous pressure, but in the past hour and a half, as the Opposition spokesperson, I have been presented with 60 pages covering 61 Government amendments, and there are also 27 Opposition amendments. It is clear that I will not be able to cover every single item in my remarks, but I will try to refer—[Interruption.] Not this early in the evening, but who knows? I will try to cover the amendments thematically, referring to them when it would be helpful to the House.

Amendments 2 to 4 relate to the Bill’s emergency powers, which I will deal with first because the right hon. Member for Haltemprice and Howden (Mr Davis) mentioned them and I want to make our position absolutely clear. New clause 4 would place a duty on the Government to support the basic means of living—food, water, clothing, income and housing—by employing all available statutory and prerogative powers.

Those two themes may be separate on the amendment paper, but they go hand in hand. The public health emergency and the restrictions on freedom must be accompanied by the strongest possible financial measures to ensure people still have the means to get by. I make it clear that I do not intend to divide the House on any of these amendments this evening, but I hope the Government will listen to my points.

The second world war emergency legislation required renewal every year, and the emergency coronavirus legislation in Ireland is subject to six-monthly renewal. We need safeguards. Often, the issue with this type of legislation, which is understandably done in haste, is not so much the intended consequences as the unintended consequences. That is important because there are vulnerable people across our society whose lives are going to change and who will need protection.

The Bill is subject to the European convention on human rights and does not exclude judicial review; there is no ouster clause in it. These are very important safeguards, and we need more. I welcome the Government’s concession on six-monthly review. I have listened carefully to a number of speeches, and I, like many others, would like it to have been even more frequent, but I accept that that is a reasonable compromise. There are some issues on which I would like reassurance from the Minister, though. First, it is clear that that is subject to a vote in both Houses, but the point made by the right hon. Member for Haltemprice and Howden is crucial: if it is simply an unamendable motion, the House is left with the choice of take it or leave it on everything. It could be that we think four fifths of the Bill is achieving its intended purpose and one fifth is not, but we would have

to keep everything operational. If the Minister can confirm that the motion will be amendable, so we can make clear which bits we want to switch off, that would make a significant difference. Even if she gave that as a verbal assurance, it would be a step forward that might increase the degree of consensus across the House. I am not saying that everyone would be satisfied, but it would help us to move forward on the basis of consensus.

As I read the Government amendment, there is a carve-out in relation to devolved matters. Will the Minister make the position clear? If this House switched off powers, would they be automatically switched off for the devolved institutions; or if a power was switched on by the devolved institutions, would they then have the power to switch it off when they saw fit? In those parts of England without formal regional devolution, would it be it switched off automatically for those areas?

More widely, we have to ensure that the measures are temporary and that hard-won rights are not lost forever. In that respect, I want to focus on a number of groups in our society. First, amendments 68 to 71 deal with children with special educational needs and disabilities. I would like more reassurance from the Government. The Bill clearly removes disabled people's rights to social care and support, and the duty to meet children's educational requirements is changed to a reasonable endeavours duty. Many hon. and right hon. Members will have received expressions of concern about that. I thank the all-party group on this for raising it over the weekend.

Of course there is a need for flexibility. There will be a need to redeploy staff, and we all understand that, but reassurance is necessary. If we are removing the rights in the Children and Families Act 2014, for example, could consideration be given to the proposal in the amendments to change "reasonable endeavours" to "all practical steps" to ensure that our duty to some of our most vulnerable and youngest people is met?

There is also deep concern in the care sector, to which amendments 57 to 63 and new clause 29 apply. Most statutory duties relating to social care are being suspended under schedule 11. Local authorities will only have to provide services deemed necessary to prevent breaches of people's human rights. That is clearly not the vision of social care that anyone in this House had in mind when the Care Act 2014 was passed. Of course, the Bill does not prevent local authorities from providing higher levels of care, but there is no longer any duty to carry out assessments or involve user input in care delivery, and local authorities will no longer have to assess the needs of carers. Those are sweeping changes that may reduce the level of support. Will the Government make it clear that they still expect care to be provided to the highest level possible in the circumstances, and that some sort of green light to cut back to the minimum is not provided for in the Bill? There are wider impacts. There are doctors, nurses, NHS staff and key workers who rely on social care for their family members. That new legal minimum level of support cannot become a default. We cannot have care packages automatically cut back to the minimum, and care levels should never be reduced too far or too fast.

20:30:00

I have referred to a series of amendments, and I would push the Government on this. Can we look at things such as reasonable practicability? Can we look at disrupting existing care in the most minimal way and try at least to ensure, while recognising the pressures on staff, that reductions in care packages are a last resort? There are many unmet care needs, and people are being looked after

in their own home by family members, who visit every day. For a start, that unpaid army of carers deserves deep gratitude from all of us, but what if one of those unpaid carers needs to self-isolate? What will the Government look at to protect people in their own home who will still be in need of care? The Government have to make absolutely clear the value of the measures for those who are older, and for disabled and young people who are in need of support. Many people—not just my constituents but people across the country—including disabled rights groups and, indeed, disabled people have contacted me to say that they are very, very concerned about what they regard as the scaling back of their rights under the Bill. We must protect them as best we can for the duration of the emergency powers, but also make it clear that this temporary hiatus does not represent a rolling back of progress over decades.

Turning to mental health and amendments 64 and 65, there are changes in the Bill to the detention regime and a restriction whereby someone can be detained on the say-so of a single doctor, which is a significant change for committal. That is set out in schedule 7. In the first instance, can that be the case only where it is absolutely necessary? Secondly, can we have no single recommendation from a doctor at a private hospital when the patient is detained at that hospital? Can we at least seek to adhere to timetables that are already in place? There are powers in the Bill on extension and removal of time limits, which clearly no Parliament in ordinary circumstances would wish to introduce. Can the Minister at least give some sort of guarantee that timetables will be respected as far as possible?

Mr Mitchell
So that I am certain that I have understood the point that the hon. Gentleman is making, is he saying that once the immediate crisis is over anyone who has been sectioned under that regime should immediately be subject to the existing regime?

Nick Thomas-Symonds
Yes, absolutely. In fact, that should apply not just in the mental health sphere. If these are truly temporary measures, that has to apply across a range of measures.

Mr Kevan Jones (North Durham) (Lab)
I accept that there is going to be a lot of pressure on doctors. I understand why the provision has been introduced, so that one doctor can sign documents to commit someone under the Mental Health Act 1983. Would not a better way of doing it be to get one doctor to sign the documents then, within a period of days, have someone else review the case while countersigning the documents?

Nick Thomas-Symonds
My right hon. Friend makes a useful and constructive suggestion. I am in favour of doing all that is reasonably practicable to comply with the existing duty—that is the simple position that the Government should adopt. I do not disagree with my right hon. Friend. He makes a useful suggestion, which is why I also suggest that a single doctor should sign only when absolutely necessary. Even in that case, the point that my right hon. Friend makes is useful. I am sure that the Government understand concern about the proposals, and I hope that the Minister will be able to provide us with reassurance.

Turning to the issue of law and order, I would be grateful if the Minister passed on my gratitude to the Security Minister, who has spoken to me mostly from home, where he is self-isolating, on a

number of provisions in clauses 21 and 22 on the appointment of temporary judicial commissioners, changes to urgent warrants under investigative powers, and an additional measure on data retention. I understand that the biometrics commissioner supports that measure, but I hope that he can comment on and deal with those provisions in the next few days.

I also understand that action will be taken to ensure that the temporary judicial commissioners receive the appropriate training, but clearly that will have to be done on a remote basis. It is important that we maintain existing standards as far as possible.

I know that the measure on data retention is an emergency power—of course, we do not want data on people who may wish to do us harm simply to disappear because somebody was not available to carry out the national security determination—but we must say, as the right hon. Member for Sutton Coldfield (Mr Mitchell) did in relation to the last point, that this can only be a temporary measure. We must return to the existing deadlines as soon as we can.

Courts and tribunals are covered in clauses 51 to 55. Clearly we must look to live links and audio technology, but we must try to secure justice in each and every case. We cannot allow any court user to be in danger of being transmitted the coronavirus. The Lord Chief Justice has said today that there will be no new jury trials, but clearly some jury trials—including some very long-term ones—are still ongoing. Every step must be taken to ensure that social distancing is imposed by the judges in those courts.

Although all Members agree on following advice about self-isolation, in cases of domestic violence self-isolation can create a situation that is favourable to abusers. Therefore, where our courts are functioning, dealing with domestic violence must remain a priority.

Tom Tugendhat (Tonbridge and Malling) (Con)
It is interesting to note that in Spain, where this issue has been considered, the Government are running a scheme where if an individual goes into a pharmacy and asks for a “mask 19”—that is the code Spain has used—they are then referred to a domestic violence unit for assistance. I was wondering whether our Government had thought of a similar idea.

Nick Thomas-Symonds
This debate has been carried out in a constructive spirit and I hope that the Government listen to all suggestions, but this issue is a real concern. If this emergency lasts—which I am afraid it is going to—and people are put in situations where they are close to their abusers, we must still have some sort of safeguards in place, particularly in our courts system.

Our prisons cannot become laboratories for transmission, and neither can our immigration detention centres—a point that I hope the Paymaster General will pass on to the Home Secretary.

The issue of burial has clearly caused great controversy. I know that the Paymaster General is one of the people who have come up with the final version on this matter, and I thank her for the efforts that she has made. This issue is clearly vital for Muslims and those of the Jewish faith. Clearly, they need to be in a position where we respect their rights about burial as far as we possibly can. The wording of Government amendment 52 is now much stronger, and I welcome that, but the Government could also communicate with local authorities as to how they want that measure to be interpreted in the days and weeks ahead.

Naz Shah (Bradford West) (Lab)
Members have said that a 100% guarantee that nobody will be cremated against their wishes would be very welcome. Does my hon. Friend agree?

Nick Thomas-Symonds
Yes, and I congratulate my hon. Friend on the work that she has been doing on this matter in recent days; it has been most welcome. I am pleased that the Minister has listened to that campaigning work, and I hope that we will be able to get reassurance on that point.

On restricting freedoms—and there are, quite frankly, draconian restrictions of freedom in this Bill including in relation to mass gatherings, the closure of ports and borders, and detention powers over potentially infectious people, which I read as applying to children and adults—the Government must do only what is necessary and proportionate. We must also be wary of restricting the right to protest.

Mr Steve Baker
I was trying to avoid doing this, but while the hon. Gentleman has been on his feet, it seems that the Prime Minister has heard the call of the Opposition Front Bench earlier. It is widely reported online that the Prime Minister has announced that people can now only go out to shop for basic necessities; to exercise once a day; for any medical need; to provide care; and to travel to and from, and do, essential work. I think that we are now substantially constrained, and that may help the hon. Gentleman as he makes his speech.

Nick Thomas-Symonds
I am always grateful for updates on the rolling news, so I am grateful to the hon. Gentleman. This must be a rare example of a shadow Minister having called for something at the start of a debate and its having appeared before we have finished the debate. The Prime Minister is responsive on that if nothing else.

Even in this situation, proportionality and necessity still apply. It is clear that powers to detain potentially infectious people, including children in isolation facilities, will have to be implemented in a sensitive way. It is necessary to postpone elections, as set out in clause 57, but we still have to do all we can to maintain our democracy. I welcomed the Speaker’s statement setting out any moves we can make to vote in a different way and to operate in a far more digital and remote way than has been the case in the past.

Let me turn to new clause 4 and the issues it raises. Quite simply, if we are to ask people to sacrifice their freedom by staying at home and subjecting themselves to the measures set out by the hon. Member for Wycombe (Mr Baker), their basic means of living must be catered for as well. There are some specific measures in the Bill, but I commend to the Minister amendments 74 to 78, on lowering the threshold for eligibility for statutory sick pay, and new clauses 32 to 34, on the extension of statutory sick pay to the self-employed and its uprating.

Before I move on to some of the other economic measures, particularly in the Government’s new amendment, let me refer to new clause 35. A number of right hon. and hon. Members from all parties have raised the issue of access to personal protective equipment. New clause 35 sets out the importance of that to the Opposition by defining it as part of the Minister’s role to make sure that

that equipment is provided to everybody who needs it. That is the imperative that the Opposition put on that, and I hope the Government will do all they can to ensure that not one person in this country does not have the personal protective equipment that they need to keep us all safe.

Mr David Davis
To carry on in the context of rolling news referred to by my hon. Friend the Member for Wycombe (Mr Baker), one thing that we need to provide is good healthcare. The new NICE guidelines have just been published. The new guideline on critical care states that all patients with confirmed covid-19 must be assessed on the basis of "frailty" when healthcare professionals are making decisions about whether to admit a patient in need to critical care. That is being interpreted by a large number of mental health organisations as potentially excluding people with learning disability and so on. Will the hon. Gentleman make the point, on behalf of the Opposition, that we need equality of access to healthcare, as well as equality of access to all the things he has talked about?

Nick Thomas-Symonds
I certainly would not disagree with the right hon. Gentleman on equality of access to healthcare—he is absolutely right about that. I am getting worried about how many points I have agreed with him on in this debate, but I certainly agree with him on that.

The Paymaster General (Penny Mordaunt)
The point that has just been made is critical. I give my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) an absolute reassurance: the Government have an advisory committee and ethics committees, but these judgments are made by healthcare professionals, and they make these types of judgments in the course of their work. The period that we are entering is obviously going to be extremely intense, but someone having a learning disability would not be a criterion that they would look at. I know that from the pandemic exercise that my hon. Friend the Member for Winchester (Steve Brine) mentioned earlier. I have had experience of that and can absolutely assure my right hon. Friend of that point.

Nick Thomas-Symonds
I am grateful to the Minister for that intervention.

Chi Onwurah (Newcastle upon Tyne Central) (Lab)
On that point, I should emphasise that equality of access to healthcare must surely apply to our excellent healthcare workers. Some concerns have been raised with me that healthcare workers are receiving advice from their national health service trusts that is different from that given to ordinary working people, particularly when it comes to isolation when there are symptoms at home. As one person put it to me, the applause and support for healthcare workers is all very well, but they also want to know that their health and wellbeing is considered to be just as important as everybody else's, if not more so.

20:45:00

Nick Thomas-Symonds
It is just as important, and I am grateful to my hon. Friend for that intervention.

Government new clause 16 increases the top threshold for the level of assistance that can be given to industry for the purpose of the economic crisis, and I welcome the proposed change. The

Government must do what they can to prevent an economic disaster. However, I would also ask that the Government structure financial assistance to ensure that the Government bail-out supports the workforce, the sustainability of the company and the wider national interest. Perhaps the Minister can confirm, now or subsequently, that the Government will attach restrictions in areas such as staff retention, dividend buy-outs, share buy-backs and executive remuneration for any company receiving financial assistance, and whether the Government will seek equity stakes in those companies that receive significant assistance.

There is also the issue of renters, in respect of which the Government have tabled a new clause, and there is real concern about this. It was raised by my hon. Friend the Member for Croydon Central (Sarah Jones) on Second Reading. There is a concern about the Prime Minister and his promises to the country's 20 million renters to protect them from evictions, because this does not seem to be an evictions ban, which is what the Opposition have argued for, and we understood was promised by the Prime Minister. The legislation does not seem to stop people losing their home as a result of coronavirus; it would just give them some extra time to pack their bags. In a sense, that makes us wonder why the Government are not willing to make a very simple change. I understand that my right hon. Friend the Member for Wentworth and Dearne (John Healey) wrote to Ministers to give them the legislation that would provide the protections, banning evictions and suspending rental payments beyond the crisis. There is already welcome help for homeowners, and I hope the Government will look again at their promises to renters. We do not need this public health emergency to become a crisis of housing and homelessness as well.

As the Government disturb people's way of life, they must also sustain everyday existence, and people are anxious about sustaining themselves through this difficult time. There are millions of self-employed people not covered in the way they should be by the measures set out by the Chancellor, as a number of colleagues on both sides of the House have raised.

Bill Esterson (Sefton Central) (Lab)
I am grateful to my hon. Friend for raising the challenges faced by the 4.7 million self-employed people, as quoted by the Federation of Small Businesses. I was sent a screenshot of a claim being made by somebody self-employed this afternoon, and it said that there were 33,383 people ahead of them in the queue to use the claim section of the website. I am sure he will agree that that is a very worrying sign of the ability of the system to cope—

The Chairman of Ways and Means (Dame Eleanor Laing)
Order. I appreciate the hon. Gentleman is making a very important point, and every Member of Parliament has received similar emails from their constituents to the one that he has just described. I am very concerned that we have only an hour and a bit to go—[Interruption.] No, I make no criticism of the hon. Gentleman: it is very important in emergency legislation that the official Opposition have a full say in what happens at this point of the Bill, but I implore Members to move a little bit faster. If everybody makes short points, we will get all those points in, which we must do.

Nick Thomas-Symonds
I say to my hon. Friend that he is right. One of the issues about making announcements is that people actually have to be able to access what they are being offered.

I have already set out that statutory sick pay is too low at £94.25 a week. Amendments regarding that have been tabled, as well as on people who do not qualify for it, and I urge the Government to

look at that again. We must also speak of the businesses laying off workers and not applying for the 80% coverage of wages, which is what they should be doing. There are people who have lost their jobs, and who need help fast. It is a concern that the 80% wages support applies in the April payroll, not the March payroll, and what that will mean is that money will not be available until the end of next month. I appreciate the scale of this and I appreciate that Treasury officials have done a lot of work on it, but as the days pass more and more people are losing their jobs. Every day matters in bringing that help forward.

I have already spoken about renters and mentioned help for homeowners. On businesses, I say to the Government that grants are better than loans. We do not want to build up a stack of debt, and where the Government are relying upon the universal credit system, they must look at the fundamental structural problems in the system and at the five-week waits. Surely we cannot continue with face-to-face assessments in the next few months, with the scale of this crisis.

Mr Steve Baker
It's been changed.

Nick Thomas-Symonds
I hear what the hon. Member for Wycombe says, but this has to operate on the ground, and we are all hearing various stories of what is happening in the universal credit system. It may well be what the Government intend, but that has to be implemented right across the country.

The Government must stand beside each and every person to get through this. We of course support the principle of doing whatever it takes, but that has to mean whatever it takes for each and every person. Let me say a word about the food supply—this is in clauses 23 to 27—and the power to require information. The Government require a strategic approach to the profiteering and unnecessary stockpiling—all of it. We have to ask people to think of others in what they are doing, but I also say to the Minister that the Government may well need a more strategic approach on that.

Liam Byrne
I will be brief. In all emergencies, there is profiteering, and in countries such as the United States, where it has been prevalent for a long time, two thirds of states have legislation in place to stop profiteering. We need it here now because it is hitting the poorest communities hardest now.

Nick Thomas-Symonds
My right hon. Friend is absolutely right that profiteering is affecting people now. We have heard some examples from across the House and, clearly, that issue needs to be seriously considered.

I turn now to what all this means taken together—I will draw my remarks to a close, Dame Eleanor, because I know that you wish other people to come in. This is an unprecedented change in the relationship between Government and Parliament, and Government and people. First, I say to the Minister that the imperative is to protect everyone and support them in this time of peril. We ask people to make sacrifices and we must support them, too. Secondly, the need for safeguards in this legislation is paramount. I hope that the Minister will look in particular at the suggestion that I made on the six-month review and that being amendable.

We are not seeking to divide the House, but we hope very much that the Government will heed what has been said, and we, of course, reserve the right to pursue these matters further in the other place.

The Chairman of Ways and Means (Dame Eleanor Laing)
If everyone takes around three to four minutes, they will all get a chance to come in.

Andrew Selous (South West Bedfordshire) (Con)
I will not detain the House long. I rise to speak to new clause 1, which I understand has been agreed in advance with the Government, and I will move it at the end of this evening's proceedings.

New clause 1 is very straightforward. It enables the elections to the General Synod of the Church of England to be postponed. Quite recently, we postponed all the elections that we in the House are involved in—the mayoral, local government and police and crime commissioner elections—but the General Synod is the National Assembly of the Church of England, and it is a Church that is episcopally led and synodically governed. The General Synod is a devolved body of this Parliament. It is the first devolved body of the Westminster Parliament and has been since 1919. Synods last five years, just as Westminster Parliaments do. The last one was elected in summer 2015 and therefore would expire this summer. There is no legal power to extend the current General Synod. New clause 1 provides that power by allowing the Archbishops of Canterbury and of York to ask Her Majesty to postpone the date of dissolution by an Order in Council. That order postpones the date of the dissolution of the current Synod for as long as would be necessary by dissolving the convocations of Canterbury and of York. The dissolution of those convocations triggers the dissolution of Synod.

Hon. Members may not know what I mean by convocations, but they are the historical assemblies of bishops and clergy. They go back to the time of Archbishop Theodore of Canterbury, who was enthroned in 668, so convocations give this Parliament a run for its money in terms of historical precedent. That may sound a bit dry, but it is important. This will enable the Synod to deal with important matters, such as the independent inquiry into child sexual abuse. The Church takes that very seriously, and it will need to react to that body's findings. This will also enable the Synod to move forward with the important work on cathedral finances and governance, which also need to be addressed urgently.

The Church is fulfilling an important role today. It is caring for the vulnerable, and it is reaching out in helping with the delivery of food, such as working with food banks and with night shelters. I commend new clause 1 to the Government and to the House.

20:55:00

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP)
I rise to speak to new clause 7 together with the new schedule it introduces, which is new schedule 1. May I start by thanking the Clerks and other staff for their extraordinary work in processing so many amendments in such a short time?

The changes that we propose are designed to ensure that the Government's response is truly for all of society, as the World Health Organisation has urged, and we will do that by seeking to ensure that nobody is excluded from getting the support they need simply by virtue of their immigration status. Our immigration and asylum laws and processes, touching as they do on millions of people right across our country, must be made to help, not hinder, the public health response to coronavirus. If

we let down those people who are subject to immigration control, we are letting down the whole country, and if we fail to protect those people, we fail to protect the population as a whole.

The new schedule is in four parts. The first relates to Home Office rules that prevent many people from accessing public funds. Many of this group will already be hugely marginalised, including a very significant proportion of the street homeless and destitute. As matters stand, many more will become destitute because their earnings will stop or sofa-surfing will no longer be possible, and there will be no social security to fall back on. Meanwhile, across the country many shelters providing the only source of refuge are having to close down, either because dormitory conditions are no longer fit for purpose, or because the brilliant volunteers who staff such centres can no longer undertake the necessary work amid this very serious crisis. Suspending the no recourse to public funds rules would be a first but significant step towards allowing everyone to access the financial support and accommodation they need to protect themselves.

The second part of the schedule deals with those who are in immigration detention. At the end of last year, there were about 1,600 people in immigration detention, most of them in immigration detention centres, with a small number in prisons. We know from recently published expert advice that detention centres provide ideal conditions for the spread of the coronavirus, and that 60% of those in such facilities could rapidly be infected if the virus got hold there. In fact, one woman tested positive for covid-19 in Yarl's Wood at the weekend. Of course, the detainee population will include a significant number with underlying health conditions.

We know now that there is no realistic prospect of immigration removals taking place imminently, and imminent removal is of course the legal threshold for justifying detention in the first place. The clear consequences of these two facts, when we bring them together, is that continued detention is not only morally wrong, but it undermines the public health response to the coronavirus outbreak and is almost certainly illegal. We welcome the fact that the Home Office has started by releasing about 300 of the current estimate of 1,200 people in immigration detention. We ask it to move faster and urgently in getting the other 900 out of there as well.

Thirdly, we turn to the issue of the asylum process. Those working on behalf of asylum seekers are concerned at the lack of communication with them about what changes are being made to these processes. There was a welcome announcement made ending the requirement to access or re-access the asylum procedure by attending at either Croydon or Liverpool, yet this very afternoon I am reliably informed that a new arrival in Glasgow was told by Home Office staff to get a bus to Croydon, essentially, to make an asylum claim. Without support from the Scottish Refugee Council, that individual would be street homeless tonight. That is clearly undermining, rather than helping, the public health approach.

We need the Home Office to look at all asylum processes and procedures, and reporting requirements, interviews and other appointments must all be suspended. We need to look at the state of the asylum accommodation, and at the rules about why asylum seekers who have medical skills are being prevented from working at this particular time. We need to look at asylum support and at support for providing accommodation to the destitute and the homeless.

Fourthly, the proposed new schedule would make provision for those whose visas are about to run out or whose visas have already run out but are prevented from travelling home. Many Members will have been contacted by constituents with concerns about people in that situation. There were

reports today about an 80-year-old Ukrainian woman whose visit visa has just expired. Her solicitor phoned the Home Office and was told that she should consider driving home. Clearly, asking an 80-year-old woman to return to Ukraine by car is simply ludicrous. It is time, as our proposed new schedule suggests, for the Government to put in place an automatic extension of leave to remain, at least until September or later, depending on the advice the Government get from medical officers.

I pay tribute to all those who have pushed the Government to accept a more limited time period for the extraordinary powers provided for by this Bill, including my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry), while at the same time ensuring that there can be an extension, with appropriate scrutiny and approval by this House. We support the principles behind new clause 2. The provisions that impinge most on civil liberties deserve the greatest of scrutiny. I also pay tribute to the hon. Member for Bradford West (Naz Shah) for tabling amendment 66, and we are grateful to the Government for listening to her concerns.

21:00:00

Finally, every Member who has tabled amendments to prompt the Government to go further with their provisions to support workers and the self-employed has our solidarity. The measures announced on Friday by the Chancellor were, of course, hugely significant and very welcome, but we are all being contacted by self-employed people whose costs are not going to disappear in the same way as their incomes in the weeks ahead. We await urgently to hear the Chancellor announce what further support will be provided. Even if the Government cannot accept our amendments, I hope that Ministers will listen carefully to all the constructive advice that has been offered and act on it urgently.

The Paymaster General (Penny Mordaunt)
I will attempt to answer the points that I did not answer during Second Reading.

The Bill has been introduced to support public bodies and wider society in responding to a serious emergency. The Bill is required as part of a concerted effort across the whole of the UK to tackle the outbreak. The intention is to get to a position whereby the right people—public agencies in all four countries—take the right action, as set out in the UK coronavirus action plan, at the right time, as a result of decisions taken by the four UK Governments, usually under the auspices of Cobra, using the same powers, at the same time, in the same way.

The action plan sets out the options that can be taken as part of that response. This Bill ensures that the agencies and services involved—schools, hospitals and the police—have the tools and powers they need. They are our front line in our fight against this disease, and they have the right to expect our support for the action they need to take. The Bill provides the possibility for that for the duration of the emergency.

Turning to a point made by my hon. Friend the Member for Windsor (Adam Afriyie), we cannot use the Civil Contingencies Act 2004 to do this. If we have time to bring forward legislation, it is proper that we do that, and anything we did under the powers of the 2004 Act would apply for only 30 days. He should have the reassurances he asked for earlier on other rules that we follow, such as on the military aid to civil authorities protocol.

Adam Afriyie (Windsor) (Con)

It seems to me that the whole purpose of the 30-day provision in the Civil Contingencies Act was for the Executive to be accountable to Parliament. For example, those checks and balances would be needed in a scenario where—I am not suggesting this in any way, shape or form—the Government say that nobody can travel, and Parliament is therefore unable to reconvene. I simply point that out, but I do not intend to divide the Committee.

Penny Mordaunt
My hon. Friend has made my point for me. That is why we need this particular course of action, as opposed to relying on the Civil Contingencies Act.

I turn to the six-month review. I want to reiterate how these decisions will be made in an incredibly dynamic situation. Apart from a few parts of the Bill, these powers are not live at Royal Assent. They will be called upon or drawn down by the appropriate Government in the four nations—it is obviously appropriate that some of these decisions should be for the devolved nations—and they could be applied to very local areas, depending on what is happening in that particular situation.

We are therefore ensuring that the support that people need is there, with regular reports and debates in Parliament, to ensure proportionate accountability that does not itself make the management of this outbreak harder than it already is. These mechanisms currently include Ministers reporting to Parliament every two months on how we have used these powers. There will also be a debate after 12 months and a meaningful vote on renewal after 24.

We have also listened to people's concerns about the need for periodic reviews of these powers. The Government have therefore tabled an amendment to the Bill that will enable the House of Commons to take a view every six months on whether the provisions of the Act need to be reviewed. That will be done within seven days of each six-month period if Parliament is sitting. If the House declines to renew these temporary provisions, the Government will ensure that they expire.

Chris Bryant
Will the Minister give way?

Penny Mordaunt
I will make a little progress, because there is quite a lot that I have not managed to say at the Dispatch Box yet.

We will therefore be able to carry out the will of Parliament quickly and efficiently, and this mechanism gives the House of Commons the final say on how the powers in this Act are to be used. I note the pragmatic suggestions of my right hon. Friend the Member for Haltemprice and Howden (Mr Davis), but I do not think that anything he says about future legislation or measures that we wish to bring in, or indeed the House being able to express a view, is negated by the way we have set this out. Each of the four countries of the UK has its own set of laws, and these tools and powers differ to varying degrees in each area.

Neale Hanvey (Kirkcaldy and Cowdenbeath) (Ind)
Will the Minister give way?

Penny Mordaunt

I will make a little progress; sorry, but I have not had much time.

Consistency of outcome will be achieved by making a range of tools and powers consistent across the UK. That is just one part of the overall solution but a vital part nevertheless. A two-year overall lifespan for this Act has been chosen to ensure that its powers remain available for a reasonable length of time, with the option of provisions in the Act being extended by the relevant national authority. A reasonable worst-case scenario for this outbreak is that it could last for over a year, and therefore some of the provisions in the Bill will need to be in place for up to two years. Equally, the Bill provides a mechanism for early sunsetting, but we cannot guarantee that one year will be enough nor predict which powers will be required for how long.

Nick Thomas-Symonds
Can the Minister confirm that the votes in Parliament on a six-monthly basis that are already in the Act will be on an amendable motion?

Penny Mordaunt
The hon. Gentleman might wish to say that some of the provisions cannot be applied. We do not wish to do that. The whole purpose of the Bill is that the bulk of the powers—apart from ones that are live at Royal Assent—are at the direction of either the devolved nations or the UK Government, to respond to a very dynamic situation. We do not wish to call on these powers. We only wish to use them in extreme cases. There are several that we think we will never use, particularly on food supply and so forth, but we need to allow that flexibility in what will be an incredibly unpredictable situation. The safeguards we have put in place will allow us to have that flexibility.

Mr David Davis
Let me give the Minister a straightforward, practical example. One element of the Bill allows the delay of the oversight of the Investigatory Powers Act 2016. That is the case because we have 15 commissioners, only one of whom is younger than 70—that is the reasoning behind it. Were the Government to do something sensible, such as appoint 15 deputy commissioners, all under 70, this would no longer be required. But we have seen the Government before resisting attempts to improve accountability, and we know that that they may want to keep it in, whereas we may want to take it out. This is a precise example, so why can we not do that?

Penny Mordaunt
In his earlier remarks, my right hon. Friend was talking about things that we might wish to do in a year’s time and so forth. I do not think any of those things are being ruled out, but we think that extensive work has been done on this Bill, which is looking only at powers we know need to be enshrined in primary legislation, not at other issues, many of which have been raised by colleagues. I do not think those very practical options are removed from us by supporting this Bill today.

I also wish to emphasise another point, because in this Bill the Government are legislating for areas of devolved competence. I should highlight that the devolved Administrations could have legislated to create their own powers through their own primary legislation. However, they have agreed, given the urgency of the situation, that the UK Government should do it on their behalf. This Bill consequently engages the legislative consent motion process for all the devolved legislatures. The amendment in the name of my right hon. Friend the Secretary of State for Health and Social Care requires the continued operation of certain key powers contained in the Bill to be reviewed every

six months. Unless the UK Parliament consents to their continued operation, UK Ministers would be under an obligation to switch off the relevant powers by way of regulation.

Chris Bryant
Will the Minister give way?

Penny Mordaunt
May I just finish this point? The scrutiny process created by the amendment does not have an equivalent effect in relation to the devolved powers. This is consistent with the devolution settlements. Once these powers have been legislated for in this Bill and are exercisable by the devolved Administrations, the UK Parliament has no further role in relation to them. It is, rather, for the devolved Administrations to scrutinise the activities of their Ministers. For instance, on Thursday 19 March, Mike Russell, the Cabinet Secretary for the Constitution, Europe and External Affairs, made a commitment to the Scottish Parliament that the Scottish Government would institute appropriate reporting on how and when they used these powers in the Bill.

If the House will allow me, I should like to turn to the amendments and set out the Government's reasoning. I sympathise with the intentions of the amendment tabled by the right hon. and learned Member for Camberwell and Peckham (Ms Harman). Although we agree with them in principle, there are a number of technical reasons why I believe the amendment we have brought forward is to be preferred.

Chris Bryant
Will the Minister give way?

Penny Mordaunt
I will, but I am just going briefly to go through the amendments—[Interruption.] I know, but hon. Members have tabled amendments and I wish to tell them why we have not accepted them. [Interruption.]

The Chairman of Ways and Means (Dame Eleanor Laing)
Order. We are getting through this and we are not having interruptions from Members who are sitting down.

Penny Mordaunt
Thank you, Dame Eleanor. The first such reason is that in the event that Parliament is not sitting, we think that the made affirmative procedure would impede our ability to manage efficiently the use of these powers. It may be difficult to make an Order in Council during a pandemic. It may be difficult safely to convene the necessary Privy Council meeting. A made affirmative instrument can be made more, and ensures that there is a vote on the extension of the Act when Parliament returns. Secondly, it is not clear from the proposed amendment whether the Act can be extended more than once. It is the unfortunate situation that with this pandemic possibly lasting longer than a year it is essential that we have the flexibility to keep the important measures in this Bill in force for longer than a year where they are needed.

I am aware of the real policy concerns behind the amendment tabled by my right hon. Friend the Member for Haltemprice and Howden. I should also point out that without clause 76 we would have no mechanism for extending the life of the Bill, should that be needed, other than by making further

primary legislation, so we could be left without vital measures for protecting public health and supporting essential public services while in the middle of the outbreak. Similarly, without clause 76 we would have no simple means of sunsetting the legislation at an earlier date if it proves to be no longer necessary.

Finally, colleagues will wish to note that the amendment would impact on the devolved Administrations without their consent.

21:15:00

Chris Bryant
I have to say to the Minister that she is worrying me more and more with every sentence, because it sounds as if the Government are intending to drive this through for two years, come hell or high water, and to keep all the powers in place for that time. I thought that what they had announced earlier this afternoon was a concession, which was that in six months' time the House would be able to strike down some of the individual measures if it wished to do so. She no longer seems to be saying that.

Penny Mordaunt
I do not think that the hon. Gentleman understood what I set out at the start. This is how these powers will be activated. Some of them will be for the UK Government with regard to England, but it is absolutely right that it is the devolved nations that will switch the powers on, and it could be in very localised areas. Those decisions will be taken in response to a very dynamic situation, probably in COBRA. Having sat around that table, and knowing some of the decisions that may be coming down the line, I think that is appropriate.

Let me turn to some of the issues raised by the hon. Member for Torfaen (Nick Thomas-Symonds). I touched on social care in my earlier remarks. He is absolutely right that we must have those measures in place, and I hope that what I said about my hon. Friend the Minister for Care has gone some way towards addressing that. The hon. Gentleman is absolutely right about domestic violence, and we must be alert to the potential for an increase in demand for those services.

I thank the Second Church Estates Commissioner, my hon. Friend the Member for South West Bedfordshire (Andrew Selous), for tabling new clause 1, and the hon. Member for Rhondda (Chris Bryant) for supporting it. As my hon. Friend set out, the purpose of the new clause is to make provision for the postponement of the dissolution of the General Synod of the Church of England. The dissolution is to take place in July and will be followed by an election of the new General Synod over the summer. We support the new clause, which is consistent with the approach that the Government have taken to other elections.

Let me turn to other Government amendments, particularly on cremation, which many hon. Members have raised. For their engagement, I want to thank in particular the hon. Members for Bradford West (Naz Shah), for Birmingham, Ladywood (Shabana Mahmood) and for Bradford East (Imran Hussain), and my hon. Friends the Members for Peterborough (Paul Bristow), for Dudley North (Marco Longhi), for Stoke-on-Trent South (Jack Brereton), for Wycombe (Mr Baker), for Wealden (Ms Ghani) and for Meriden (Saqib Bhatti).

The policy that has been developed on dealing with excess deaths has involved all faith groups from the start. The purpose of the provisions is to ensure that people's choices can be adhered to, that the dignity of the deceased is respected and that support services for families are in place, even in times of great stress. There should be no public health reason or capacity reason why someone who wished to be buried would be cremated. I hope that is very clear. I can give the House that reassurance. We have included further measures in the Bill. Local authority leaders will also want to reassure their communities in the coming days—clearly, it is local authority chief executives who will use these powers, if they are ever used. I also want to put on the record my thanks to Councillor Sharon Thompson of Birmingham City Council.

Yasmin Qureshi (Bolton South East) (Lab)
The provision states that it is desirable for a local authority or public authority to seek the wishes of the deceased person's family or a place of worship if there is no next of kin. Saying that it is desirable to take their views into consideration does not mean that those views will apply if a local authority or public authority decides that a cremation is going to take place, under the legislation as it stands. The Government could make an amendment to clearly specify that if somebody does not wish to be cremated, they will not be cremated. That is missing from the Bill at the moment.

Penny Mordaunt
We have brought forward an amendment that gives those guarantees with regard to someone's beliefs, religion or wishes. In addition, I stress that it has never been the case—there has never been any doubt about this—that somebody who wished to be buried would have to be cremated. There is no public health reason or capacity reason why that should be the case. We have worked from the off with all faiths to produce the guidelines, and the amendment was produced through consultation. I see no circumstance—and it certainly would not relate to these powers—in which somebody would be cremated against their wishes. I do not think I can give any more guarantees than that. That is absolutely not the intent of the policy and it is certainly not anything to do with the practice.

Yasmin Qureshi
Will the Minister give way?

Penny Mordaunt
I am going to make progress, but I thank all Members who have spoken to me over the past few days, in particular my hon. Friend the Member for Wealden, who has also been very helpful to me and Public Health England with regard to additional things we may need to do with funeral services.

The Government have tabled a number of other new clauses and amendments. New clause 16 relates to the industrial development cap. New clause 20 removes existing requirements for local authorities and councils to hold annual meetings. New clause 24 touches on issues that the hon. Member for Croydon Central (Sarah Jones) raised earlier in respect of suspending new evictions from social or private rented accommodation. What I said in my previous remarks about that applies. Amendment 27 will indemnify returning officers for the cancellation of polls. Amendments 79 to 82 relate to the use of video in extradition hearings. Amendments 55 and 56, on trading standards enforcement, relate to the enforcement of provisions on gatherings, events and premises. They widen the scope of those who can be given powers and bring proceedings for offences.

New clause 23 is concerned with biometrics, which are a critical tool used daily in support of our national security. The new clause establishes a time-limited power to enable the Home Secretary to make regulations, after consulting the independent Biometrics Commissioner, to extend the statutory retention deadlines for biometrics already held by the police and for national security reasons by up to six months.

Nick Thomas-Symonds
On the issue of data, I understand that the Biometrics Commissioner will publish his assessment of the Government's proposal very soon. Does that remain the case?

Penny Mordaunt
I will certainly let the hon. Gentleman know. As he will appreciate, I am covering several Departments. I would not want to mislead him, but I will find out the timetable for the commissioner to publish the report.

New schedule 2, on medical practitioners in Wales, will enable any practitioners who are registered by the GMC on a temporary basis to start providing health services immediately to a local health board. This is another example of levelling the law up, in this case to the position in England and Northern Ireland, where that is already in place. There are also amendments regarding the mental health review tribunal arrangements for Wales, again bringing them in line with the situation in England and Scotland, and emergency registration fees for doctors, to enable any professionals to be registered under the emergency powers, with the understanding that once the emergency period has passed, their temporary registration status will come to an end.

I am happy to answer any questions that hon. Members have as the debate goes on. As my right hon. Friend the Secretary of State for Health and Social Care has outlined, the Bill contains vital measures to support citizens, protect our workforce and achieve our goals in beating this dreadful disease. I thank hon. Members for their constructive comments and their attendance today.

Nick Thomas-Symonds
Clearly, the Prime Minister made his announcement in the course of my speech, but just before the Minister winds up, I have a specific query about whether separated and divorced parents who co-parent can still transport their children between homes. Is that essential travel? I appreciate that the Minister might not know that off the top of the head now, but will she undertake to at least provide clarity on that point from the Prime Minister's announcement?

Penny Mordaunt
The hon. Gentleman's comments will have been heard, and I am sure that point will be clarified, but in all this, whether it is about key workers or new policy of this ilk that has been announced, the objective is to keep as many people at home as possible, including children. That principle would underlie any policy on what is actually essential. The bottom line, as the shadow Secretary of State outlined in his remarks, is that if we stay at home, we will be helping to save lives, protecting the NHS and fighting the virus. I commend this Bill to the House.

Naz Shah
I would like first on this occasion to pay my respects and put on record my thanks to our brave NHS staff, our key workers and everyone in our nation playing their part in combating the covid-19

outbreak, and also my advance thanks to the police, who have been given extra responsibilities by the Prime Minister this evening to police people's social distance when they go out.

I will not be moving my amendment, but instead thank the Government for their amendment, which actually strengthened my proposal. However, it is still important to say a few words about that. I have been truly heartened by the cross-party support that I have received in this process from every part of this House. It really does demonstrate how, at times of crisis, democracy can work and can respond positively to the concerns out there in the community. I would like to say thank you for that spirit of unity.

This truly is a difficult time for everyone in our nation. They are not normal times with today's emergency Bill. We know how life as we know it will have to change, and the origins of this Bill have caused huge distress to religious communities, especially those of Muslim and Jewish background. Death is a sensitive time for everyone, and losing a loved one is difficult for us all. We all want dignity in death for our loved ones, and the idea that, in extreme circumstances, when capacity issues arise, the deceased would have to be cremated was something hard to bear, especially for those from the Muslim and Jewish faiths, which strongly oppose cremation. I further thank the Minister for clarifying in the assurance and the guarantees that she has just given that nobody will be cremated against their wishes.

The aim of my amendment was to give, in such difficult circumstances where capacity issues arise for local authorities, further legal protection and to ensure that the next of kin and the relevant faith institutions were consulted, in order to provide added support and protect the deceased from being cremated. I would like to take this opportunity to thank my hon. Friends the Members for Ilford South (Sam Tarry) and for Bedford (Mohammad Yasin) and the hon. Members for Wycombe (Mr Baker), for Wakefield (Imran Ahmad Khan) and for Bury South (Christian Wakeford) for co-sponsoring my amendment, and the more than 110 cross-party MPs who formally showed their support. I also thank the all-party group on British Muslims for its tireless work behind the scenes, as well as community organisations such as the Muslim Council of Britain, the Mosques and Imams National Advisory Board, Wifaqul Ulama, the British Board of Scholars and Imams, and the Board of Deputies of British Jews.

I thank individuals such as my hon. Friend the Member for Birmingham, Ladywood (Shabana Mahmood), who could not be here tonight; Qari Asim MBE, the adviser to the Government; Mohammed Shafiq of the Ramadhan Foundation, Vakas Hussain, and all those individuals and organisations who played a huge role silently in the background, influencing and putting in tremendous effort to work through this process. I have never done a campaign like it in 24 hours. I must also put on the record my thanks to Joseph Hayat of British Muslim TV for doing the one-minute video, which was absolutely amazing.

21:30:00

I also thank the Government and many in the Conservative party for their contributions. Lord Tariq Ahmad made efforts to ensure that concerns were seriously recognised, and my Muslim sister in the House of Lords, Baroness Sayeeda Warsi, ensured that community nerves were calmed while conversations and negotiations with the Government took place. I am grateful to the Paymaster General and to the Minister of State, Cabinet Office, the hon. Member for Norwich North (Chloe Smith), for recognising the concerns of all religious communities and taking them on board through

the amendment the Government tabled on this issue. Finally, I would like formally to thank all those from faith communities across the country who lobbied their local MP to support my amendment. I hear from some of my colleagues that their inboxes are rather full, so perhaps we lobbied a bit too much.

This campaign shows that, in times of crisis, we in politics, in Parliament and as a nation can work together to ensure that we support all citizens. From Scotland to Bradford West and right across the nation, faith communities play a vital role as the fourth emergency service, providing food, medicine and other necessities to those most in need. The Bradford foundation trust in my constituency has developed a coalition of more than 50 local businesses and 30 voluntary and community sector organisations, with support from Bradford4Better, to support our local authority during this difficult time. While faith communities are playing such a vital role, we must not neglect the rights of their deceased. That would have been a grave injustice.

Government amendment 52 recognises those rights and provides legal protection for the deceased of Muslim and Jewish communities, requiring their wishes and faith to be shown due regard, to prevent cremation. In some ways, it is clearer and goes further than my amendment. It provides protection to those from faiths where people choose to be buried and to those who choose to be cremated. I therefore do not press my amendment 66 and will support Government amendment 52 to provide this much-needed addition to the Bill.

Bob Seely (Isle of Wight) (Con)
I shall speak to new clause 6, which I tabled to enable quicker action to support Island and isolated communities. I intend to talk briefly about the new clause and to ask some questions of those on the Front Bench.

The Isle of Wight is dependent on three private ferry firms. If staff from one or more of those firms go ill with covid-19 and we have an outbreak, there will be serious consequences for the Island. Competition law currently prevents the firms from talking. That is still the case, despite eight days of efforts to get it moved. In basic terms, the new clause would allow the relevant Secretary of State or devolved Administration to issue directions to allow ferry firms to talk to one other, potentially to plan and implement joint services for the purpose of resilience—for the provision of food, medicine and other essential goods, and of passenger transportation.

Although we are an island, we need to stay open because we need food going out and coming in, we need key workers to go backwards and forwards, and we need people to continue to receive life-saving medical treatment in Southampton and Portsmouth. If the ferry firms fall over, we cannot do that. They are a true lifeline. I think people do not realise that an island separated from a land mass without a fixed link needs ferries.

The Department for Transport understands the lifeline nature of our services and is doing a good job. The Department for Business, Energy and Industrial Strategy has not yet acted on that. I understand that officials are working up a statutory instrument, and apparently there is a letter coming from the Secretary of State at some point. The Competition and Markets Authority says it will not take action, but as of this evening the firms—I am being texted by my ferry firms as we speak—still are not willing to talk because, for compliance purposes, they need a letter from a Government Minister and a Secretary of State.

Critically, I want Ministers to understand that I do not blame the Government. I know how stressed they are across the provision. This new clause is designed to be helpful because a Government diktat—a fiat—means that the Government will allow the ferry firms to talk to each other, avoiding much of the bureaucracy there seems to be at the moment, by getting a statutory instrument in place.

I would be delighted if the Government accepted new clause 6 in its entirety—I thank the Public Bill Office very much for its work. If they are not going to accept it, will a Minister reassure me this evening that a Secretary of State will write a letter with the assurances that I need? Can somebody also give me the assurance that the delegated legislation will be laid before Parliament?

Can somebody reassure me on medical supplies? For example, a consultant at a hospice contacted me today to say, “If we run out of morphine on the Island, can we give out other opiates?” Because of a glitch in the system, nurses can give out morphine, but they cannot give out other opiates.

Penny Mordaunt
Can I just answer that point, because my hon. Friend made it on Second Reading, and I have checked the issue? The Department of Health and NHS England are looking at precisely the issue of being able to authorise healthcare professionals to administer other opiates. I can also assure my hon. Friend that he will shortly get a letter from the relevant Secretary of State with regard to the Isle of Wight ferry issue. I do not know its contents—I am not briefed on that—but his lobbying has worked.

The Chairman of Ways and Means (Dame Eleanor Laing)
Before I call Jeffrey Donaldson, I should say that we really have to be quick now. I hope the right hon. Gentleman will do three minutes.

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP)
Thank you Dame Eleanor. I will be brief.

I want to speak to new clause 5, in my name. As we have heard, there have been calls from across the UK to look out for the members of our society who are elderly and vulnerable. I wish to add my voice and to say that the victims of modern slavery must be addressed urgently. I spoke to the Minister’s colleague earlier today, and I have received assurances from the Minister. I welcome the fact that the Department is working closely with the Salvation Army, which is the contractor dealing with these issues. I have faith that it will do the right thing and look after these people, but it is important to issue guidance on this issue when possible.

I recognise that the Department is pressed and that officials are working hard on this issue, but I really hope the Government will be able to address my concerns, particularly to ensure that the victims of modern slavery continue to receive special payments; that where their key worker is off ill due to the virus, someone else will liaise with them and keep in contact; that there are arrangements to address the need to protect them when they are in shared or cramped accommodation, as is often the case; and that the Government will look into these matters and ensure that these vulnerable people, who are already victims, are not further victimised or isolated as a result of a lack of capacity to deal with these issues and concerns at the moment. I am looking for that assurance, and I hope the Government will be able to issue guidance along the lines I have suggested in new clause 5.

Mr Steve Baker
I stand first with my hon. Friend the Member for Isle of Wight (Bob Seely). We cannot neglect his constituents on the Island. I fear that this issue has gone on for far too long, and I want to say sorry to him that we did not weigh in behind him sooner. This issue has just got to be dealt with, and I know that my right hon. Friend the Minister knows that.

Secondly, I would like to pay tribute to hon. Member for Bradford West (Naz Shah). She has done an absolutely fantastic job in the last 24 hours. It has been a real privilege to work with her to secure what I think is a fantastic result. At a time like this, matters of the hereafter are close to everybody's thoughts. They sometimes say that there are no atheists in a foxhole. I certainly would not want to stand by and see my constituents cremated against their wishes, and nor, indeed, would I want to see people buried against their wishes. I really want to congratulate her; she has done a fantastic job, and she has done it in a wonderful cross-party spirit, which has done a lot to reinvigorate my faith in this place and in what we can achieve together when we put our constituents first. Well done to her.

I will pay particular attention to amendments 1 and 6 and Government new clause 19, which relate to the expiry of these powers. When I got into politics, it was with the purpose of enlarging liberty under parliamentary democracy and the rule of law. When I look at this Pandora's box of enlargement, discretion and extensions of power, I can only say what a dreadful, dreadful thing it is to have had to sit here in silence and nod it through because it is the right thing to do.

My goodness, between this and the Prime Minister's announcement tonight, what have we ushered in? I am not a good enough historian to put into context the scale of the infringement of our liberties that has been implemented today through the Prime Minister's announcement and this enormously complicated Bill, which we are enacting with only two hours to think about amendments.

I could speak for the time I have available several times over just on the provisions relating to the retention of DNA, which we addressed in the Protection of Freedoms Act 2012. [Interruption.] I see from the expression on the face of the Paymaster General, my right hon. Friend the Member for Portsmouth North (Penny Mordaunt), that she understands the anguish—she probably knows it better than any of us—that we are all going through in passing this Bill.

Let me be the first to say that tonight, through this Bill, we are implementing at least a dystopian society. Some will call it totalitarian, which is not quite fair, but it is at least dystopian. The Bill implements a command society under the imperative of saving hundreds of thousands of lives and millions of jobs, and it is worth doing.

By God, I hope the Prime Minister has a clear conscience tonight and sleeps with a good heart, because he deserves to do so. Libertarian though I may be, this is the right thing to do but, my goodness, we ought not to allow this situation to endure one moment longer than is absolutely necessary to save lives and preserve jobs.

Although I welcome new clause 19 to give us a six-month review, I urge upon my hon. and right hon. Friends and the Prime Minister the sunsetting of this Act, as it will no doubt become, at one year, because there is time to bring forward further primary legislation. If, come the late autumn, it is clear that this epidemic, this pandemic, continues—God help us if that is true, because I fear for

the economy and the currency—there certainly will be time to bring forward further primary legislation and to properly scrutinise provisions to carry forward this enormous range of powers.

Every time I dip into the Bill, I find some objectionable power. There is not enough time to scrutinise the Bill, but I can glance at it—I am doing it now—and see objectionable powers. There would be time to have several days of scrutiny on a proper piece of legislation easily in time for March or April 2021.

I implore my right hon. Friend, for goodness' sake, let us not allow this dystopia to endure one moment longer than is strictly necessary.

Rushanara Ali (Bethnal Green and Bow) (Lab)
I concur with the hon. Member for Wycombe (Mr Baker): although supporting this legislation is absolutely the right thing to do, we must make sure that scrutiny remains and that his and the Opposition's warnings are heeded by the Government.

I express my deepest sympathies for those who have already lost their lives in my constituency and around the country, and I pay tribute to the emergency workers around the country who, right now, need our support and direct, immediate action from the Government to give them the PPE they lack.

Here in London, we are at the frontline. There are densely populated areas in my constituency and around the city with huge amounts of overcrowding, intergenerational living and high health risks, which means that, ahead of the challenges spreading around the country, we face challenges now.

We have had several reports of major problems in my constituency in the last week. Doctors and clinicians at the Royal London Hospital have described the situation as being like a warzone, and others have said that they are already having to make devastating decisions—choosing between who to save and who dies. They speak of collateral damage and of doctors having to order equipment online. I echo the importance of making sure that PPE is sent to people immediately.

21:45:00

Care home outbreaks are of great concern around the country. Vulnerable people are at risk, so I have a few questions for the Minister. First, we need to make sure that Mildmay Mission Hospital does not close on 31 March, as is still being planned. It is utterly scandalous to see AIDS sufferers who need care being thrown out of hospital into the NHS, when the NHS will not be able to cope. I also ask the Secretary of State to ensure that councils such as mine get the help that they need, because they are at breaking point already. My discussions last week have highlighted just how difficult it is for them to be able to feed some of the poorest people in the country. Other councils will have the same problem, with millions living in poverty. Those people will be trapped and left in complete devastation. We need action now for councils.

GPs are reporting that they are running out of inhalers. My colleagues in other constituencies have fed us information so that we could pass it on to Ministers. The Government need to act to ensure that the 1 million or so undocumented workers do not become a risk to public health, because they will continue to work if they are not stopped and not given an amnesty. I hope that the Government have taken that on board. I imagine that that has not been addressed yet, because that is also a public health emergency.

I welcome what the Government are doing on burial. I congratulate my hon. Friend the Member for Bradford West (Naz Shah) on her leadership on this, but we need to ensure that local authorities work together so that the burial facilities are available.

Finally, Madam Deputy Speaker, many thousands of people will be stranded in other countries. We need an evacuation plan, in the light of the Prime Minister's remarks, to get them back to our country safely. I thank the Minister and the Government for their work.

Richard Fuller (North East Bedfordshire) (Con)
I rise to welcome the Government's new clause 19 and to support in spirit the amendments of my right hon. Friend the Member for Haltemprice and Howden (Mr Davis).

The idea of two years was unconscionable; six months is liveable with, but three months would have been better for this draconian Bill. We need that reduction because it provides a much more reasonable basis not only to assess the unparalleled restrictions that may be imposed on people, but to enable an alignment of timeframes between our medical responses and the impact on the economy.

I wish to make some brief comments on the issue of balance between those two features. At the moment, we are passing this legislation when a monopoly of voices point in one direction—do more, go faster and impose more restrictions. What we need is an environment of balance to understand that all those measures, as we pursue with all of our hearts and heads the medical cures, the support for our NHS workers and the care for the sick, have consequences: consequences for our economy and for the mental health and well-being of our citizenry, and consequences as yet unforeseen.

A restriction in the timeframe for the legislation is absolutely crucial. Embedded in the phrase "whatever it takes" is a blank cheque that has to be paid at some point. It may not be favourable in public discourse to talk in that way. It may appear callous to talk in that way, but, at some point in the future, a reckoning for the decisions that have been made in response to this medical crisis and the economic consequences for families across the country will come. Whether the Government like it or not, the Bill they are passing today—new clause 19 that they are passing today—will become the vehicle on which they are held to account.

Let me give the Minister some suggestions that she may like to pass on to the Government for them to think about in terms of what we might be discussing in six months' time. First, we need to set a clear goal. Secondly, we need to outline the reasonable, measurable benchmarks needed to show that we are making progress in achieving that medical goal.

We need to explain the exit strategy for our medical plan. In six months' time, or at some other time, the Government have to say what considerations they have made if the approach to secure those medical goals has not achieved what they wanted it to achieve, and what the costs and consequences are for the economy. There are no easy answers here, of course, but as we pass this legislation at this difficult time, it is important that we understand that we will have to do that evaluation in a mood of much more balance than we can today.

Munira Wilson (Twickenham) (LD)

I rise to speak in support of the amendment and new clauses that my Liberal Democrat colleagues and I have tabled. We are not seeking to divide the House, but we are keen to put our concerns on the record. In the interests of time, I want to focus on two areas—social care and the self-employed.

There is unanimity in the Chamber about the fact that exceptional times call for exceptional measures. It is strange to find myself in violent agreement with the hon. Member for Wycombe (Mr Baker) and, indeed, the right hon. Member for Haltemprice and Howden (Mr Davis). In these difficult, challenging times, the measures must be proportionate, strictly time-limited and with appropriate safeguards in place. I therefore welcome the Government's concession that the Bill will be reviewed every six months, although our amendment seeks a review every three months, with a full review by both Houses. I note the concerns about whether we can amend or discard parts of the Bill in each review, and I hope that that will be taken on board by Ministers.

The Bill gives the Government sweeping powers over our civil liberties, and impacts on how we look after the most vulnerable in our society, which is dealt with in our amendment 14 and new clause 14. Social care provision is inextricably linked to NHS provision—they are two sides of the same coin. Fast and safe discharge into the community is essential to free up hospital capacity for those who are critically ill.

The system is already stretched to breaking point, and many people think that care standards are on the border line. The Bill seeks potentially to lower standards, which could be dangerously reduced, putting many elderly and disabled people of all ages at risk. Although the Secretary of State told me that the provisions seek to do the opposite by enabling local authorities to prioritise, I fear that the only safeguard is the European convention on human rights, resulting in many vulnerable people being harmed. They must not be cast by the wayside in this crisis.

The Bill has been introduced to tackle a serious threat, but it potentially raises another threat for the most vulnerable people in society. The Chancellor made it clear that he would give the NHS whatever resource it needed to deal with coronavirus. The same commitment must be given to social care, as the sister service to the NHS. Amendment 14 seeks to address that very point.

I turn to new clause 13, on statutory self-employment pay. The Chancellor has rightly stepped in with a far-reaching set of economic measures to support the millions of people across the country whose livelihoods and incomes have been decimated by the pandemic. As many Members from all parts of the House have said, the 5 million self-employed and freelancers feel that they have been completely overlooked. With over 11,000 self-employed people in my constituency I, like many others, have been inundated with hundreds of emails, from childminders to event organisers, to tradesmen and women, to musicians and those who work in the TV industry, begging for action. Many have seen their incomes dry up overnight, with no prospect of knowing when they might be able to work again.

New clause 13 seeks to provide for the self-employed on the same terms as the wage guarantee scheme for employees. I fully understand that the mechanism for delivering such a provision is not straightforward for Government, but let us not let the best be the enemy of the good. The situation is urgent for millions of people across the country who are struggling to put food on the table for their families and keep a roof over their heads right now.

In 2008, the Government stepped in to bail out the banks. Now it is time to do the same for everyone whose livelihood is under threat, whether employed or self-employed. At this time of national crisis, of course we support the Bill with an extremely heavy heart, but I implore Ministers to take on board our grave concerns, particularly on care of the vulnerable and providing for the self-employed. Let us make sure that not one single provision in the Bill is in place for a minute longer than it has to be.

Jim Shannon (Strangford) (DUP)
First, let me thank the Government for their contribution and highlight the plight of the NHS staff who do not have enough protection gear. Will the Minister ascertain whether any factories can be used to assist in the interim? I have also been approached by someone about whether, in relation to new clauses 3 and 4, those with an HGV licence could step in to drive supplies—due to a DVLA technicality, they are precluded from doing so. Can we lift that restriction legally, as it is only a technicality, and allow him and others to step in?

The shadow Minister referred to the 80% of wages being available by 1 April, but may I implore her to make that money available from March?

On new clause 4 and factories producing the food and medication we need, I am thinking of TG Eakin in Comber, producing colostomy bags. They cannot go home; what help is in place for them?

On new clauses 9 and 11, what about the self-employed? I have electricians with no premises because their jobs consist of fixing electrics in homes and businesses; can they access the business grant? I have self-employed café owners who have been asked to close their businesses—their staff are getting a wage, but they are not. What is being done to help them? What about a constituent who has a shop stocking cleaning products and basic groceries who is delivering cleaning products, potatoes, milk and other things free of charge? What help is there for him and his staff in new clauses 9 and 11? The business grant will only pay his rent for a few months, so how does he feed his five children?

Lastly, self-employed people should get a basic wage when we are telling them to close and when they cannot reasonably stay open. Again, I would ask what has been done for those who are self-employed. New clause 8 is about education: what about self-employed coaches who are essential in day-to-day life to the mental health and physical wellbeing of our children? What about agency staff working in colleges and the civil service? Do they qualify for the 80% wages that they should under new clauses 9 and 11?

Helen Hayes
Time is very limited this evening, but I want briefly to return to an issue that I did not have time properly to probe on Second Reading: the question of people with learning disabilities and autistic people whose rights are at risk as a consequence of the Bill. As someone who has campaigned on the “Transforming Care” agenda and the Government’s failure to implement it over many years, I know that there are people the autism community and among those who support people with learning disabilities who are very worried that the Bill could result in further unnecessary admissions to hospital. This could happen both indirectly, through the withdrawal of support for autistic people and people with learning disabilities, resulting in a higher incidence of crisis, and directly, through provisions in the Bill that make it easier for people to be detained.

Any institutional setting where large numbers of people live together has increased risk of covid-19 spreading. Families who have battled for years to get their loved ones out of hospital are very frightened that the Bill could mean that their loved ones end up being detained once again, and that if this happens they might also fall victim to covid-19. Once again, I want to seek assurance from the Secretary of State for those families that their loved ones will not end up once again in settings that have been traumatising in the past and where abuse has taken place, as a consequence of the Bill.

Mr Kevan Jones
I ask the Minister to look again at the provisions in the Bill around the Mental Health Act 1983. I accept the reasons why having one doctor to free up capacity might be relevant, but could the Minister consider provisions under which one doctor signs and that is reviewed by a second doctor within a day or a very short period? Without that, some very vulnerable people could be left unprotected.

I accept the reason why elections have been postponed. However, in County Durham, we have a police and crime commissioner by-election due in May because of the death of the PCC. The acting commissioner is only in there for six months, so is there provision to extend his period by up to another 12 months? That will be needed, because the elections will not take place next year.

Lastly, I urge the Minister and the Treasury to do something for self-employed people.

Yasmin Qureshi
Earlier, I asked the Minister about cremation and I know that she gave me the assurance that no one would be cremated or buried against their religious wishes. However, with all due respect, assurances from the Minister are not the same as provisions in the Bill. The Bill still says that it is “desirable” to ask for views and to do something, but unless the body of the Bill actually states that nobody can be buried or cremated against their religious wishes, the law as it stands is that that is not compulsory—the idea is only advisable or only something to do with consultation. I say that because currently the legislation is that someone cannot be cremated without the consent of the person.

The precise reason why the Government introduced the legislation was so that they could circumvent that by putting in the provision saying it is “desirable”. In a court of law, “desirable” is not the same as saying “you must” or “you cannot cremate or bury somebody unless they wish that to be so”. That is the kind of guarantee that is required in the body of the Bill.

22:00:00

Six hours having elapsed since the commencement of proceedings, the debate was interrupted (Programme Order, this day).

The Chair put forthwith the Question already proposed from the Chair (Standing Order No. 83D), That the clause stand part of the Bill.

Clause 1 accordingly ordered to stand part of the Bill.

The Chair then put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

Clauses 2 to 10 ordered to stand part of the Bill.

Clause 11

Indemnity for health service activity: Scotland

Amendment made: 20, page 6, line 7, leave out “or to the extent that”.—(Penny Mordaunt.)

This amendment brings clause 11(6) about the circumstances in which an indemnity is not available in Scotland because of pre-existing cover into line with clause 10(6) for England and Wales and clause 12(6) for Northern Ireland.

Clause 11, as amended, ordered to stand part of the Bill.

Clauses 12 to 30 ordered to stand part of the Bill.

Clause 31

Disapplication etc by Welsh Ministers of DBS provisions

Amendments made: 21, page 22, line 1, at beginning insert “Subject to subsection (10A),”

This amendment and amendment 22 have the effect that a notice under clause 31 that relates to a person specified by name must be given to a person and that the published version of the notice must not identify an individual without their consent.

Amendment 22, page 22, line 5, at end insert—

“(10A) Where the notice relates to a person specified by name—

(a) the Welsh Ministers must give a copy of the notice to that person, and

(b) the published version of the notice must not identify any individual without their consent.”—(Penny Mordaunt.)

See the explanatory statement for amendment 21.

Clause 31, as amended, ordered to stand part of the Bill.

Clauses 32 to 36 ordered to stand part of the Bill.

Clause 37

Statutory sick pay: funding of employers’ liabilities

Amendment made: 40, page 25, line 27, at end insert—

“(2) The Social Security Administration Act 1992 has effect as if in section 113A (statutory sick pay and statutory maternity pay: breach of regulations)—

(a) in subsection (1)(c), after “153(5)(b)” there were inserted “or 159B”;

(b) in subsection (3), after “132” there were inserted “of this Act, or section 159B of the Contributions and Benefits Act”.

(3) The Social Security Administration Act 1992 has effect as if in section 113B (statutory sick pay and statutory maternity pay: fraud and negligence)—

(a) in subsection (1)(b)(iii), after “153(5)(b)” there were inserted “or 159B”;

(b) after subsection (2) there were inserted—“(2A) Where an employer fraudulently or negligently receives a payment in pursuance of regulations under section 159B of the Contributions and Benefits Act (funding of employers’ statutory sick pay liabilities in relation to coronavirus), the employer is liable to a penalty not exceeding £3,000.””—(Penny Mordaunt.)

This amendment makes consequential amendments to the Social Security Administration Act 1992 to apply the enforcement provisions of that Act to the statutory sick pay rebate scheme in new section 159B of the Social Security Contributions and Benefits Act 1992 (as inserted by clause 37). This includes the ability to impose financial penalties for breaches of regulations.

Clause 37, as amended, ordered to stand part of the Bill.

Clauses 38 and 39 ordered to stand part of the Bill.

Clause 40

Statutory sick pay: funding of employers’ liabilities: Northern Ireland

Amendment made: 41, page 27, line 33, at end insert—

“(2) The Social Security Administration (Northern Ireland) Act 1992 has effect as if in section 107A (statutory sick pay and statutory maternity pay: breach of regulations)—

(a) in subsection (1)(c), after “149(5)(b)” there were inserted “or 155B”;

(b) in subsection (3), after “124” there were inserted “of this Act, or section 155B of the Contributions and Benefits Act”.

(3) The Social Security Administration (Northern Ireland) Act 1992 has effect as if in section 107B (statutory sick pay and statutory maternity pay: fraud and negligence)—

(a) in subsection (1)(b)(iii), after “149(5)(b)” there were inserted “or 155B”;

(b) after subsection (2) there were inserted—

“(2A) Where an employer fraudulently or negligently receives a payment in pursuance of regulations under section 155B of the Contributions and Benefits Act (funding of employers’ statutory sick pay liabilities in relation to coronavirus), the employer is liable to a penalty not exceeding £3,000.””—(Penny Mordaunt.)

This amendment makes similar provision in relation to Northern Ireland as is made in relation to Great Britain by amendment 40. It applies the enforcement provisions of the Social Security Administration (Northern Ireland) Act 1992 to the statutory sick pay rebate scheme in new section 155B of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (as inserted by clause 40). This includes the ability to impose financial penalties for breaches of regulations.

Clause 40, as amended, ordered to stand part of the Bill.

Clauses 41 to 51 ordered to stand part of the Bill.

Clause 52

Expansion of availability of live links in other criminal hearings

Amendment made: 79, page 30, line 27, at end insert—

“(aa) the Extradition Act 2003,”—(Penny Mordaunt.)

This amendment to clause 52, which introduces the Schedule making provision about live links in criminal hearings, is consequential on the amendments to that Schedule.

Clause 52, as amended, ordered to stand part of the Bill.

Clauses 53 to 57 ordered to stand part of the Bill.

Clause 58

Power to postpone certain other elections and referendums

Amendment made: 26, page 33, line 2, leave out

“the day on which this Act is passed” and insert “16 March 2020” .—(Penny Mordaunt.)

This amendment would extend the period in relation to which regulations under the clause may be made, so that the regulations can reschedule elections and referendums that were required to have been held on or after 16 March 2020 (rather than on or after the day on which the Act is passed).

Clause 58, as amended, ordered to stand part of the Bill.

Clause 59 ordered to stand part of the Bill.

Clause 60

Power to make supplementary etc provision

Amendments made: 27, page 34, line 42, leave out paragraph (a) and insert—

“(a) acts or omissions in connection with an election, referendum or recall petition prior to its postponement (including provision disapplying any enactment imposing criminal liability in respect of such acts or omissions);”

This amendment would ensure that regulations under this clause are capable of relieving returning officers, presiding officers and others of liability for defaults in relation to postponed elections, referendums or recall petitions.

Amendment 28, page 35, line 14, at end insert—

“(i) the membership or governance arrangements of a local authority in relation to which an order has been made under section 7 of the Local Government and Public Involvement in Health Act 2007 (implementation of structural changes proposals), the membership or governance arrangements of any shadow authority established under such an order, or any other matter dealt with in such an order.”

This amendment would ensure that regulations under this clause are capable of amending structural change orders.

Amendment 29, page 35, line 15, leave out subsection (3) and insert—

“(3) Regulations under subsection (1) may make retrospective provision, including provision having effect in relation to times before the coming into force of this Act.”—(Penny Mordaunt.)

This amendment is to clarify that regulations under this clause can make provision having effect in relation to times before the Bill receives Royal Assent.

Clause 60, as amended, ordered to stand part of the Bill.

Clauses 61 and 62 ordered to stand part of the Bill.

Clause 63

Power to postpone local authority elections in Wales for casual vacancies

Amendment made: 30, page 36, line 30, leave out “the day on which this Act is passed” and insert “16 March 2020”.—(Penny Mordaunt.)

This amendment would extend the period in relation to which regulations under the clause may be made, so that the regulations can reschedule elections that were required to have been held on or after 16 March 2020 (rather than on or after the day on which the Act is passed).

Clause 63, as amended, ordered to stand part of the Bill.

Clause 64

Power to make supplementary etc provision

Amendments made: 31, page 37, line 11, leave out paragraph (a) and insert—

"(a) acts or omissions in connection with an election prior to its postponement (including provision disapplying any enactment imposing criminal liability in respect of such acts or omissions);"

This amendment would ensure that regulations under this clause are capable of relieving returning officers, presiding officers and others of liability for defaults in relation to postponed elections.

Amendment 32, page 37, line 25, leave out subsection (3) and insert—"(3) Regulations under subsection (1) may make retrospective provision, including provision having effect in relation to times before the coming into force of this Act."—(Penny Mordaunt.)

This amendment is to clarify that regulations under this clause can make provision having effect in relation to times before the Bill receives Royal Assent.

Clause 64, as amended, ordered to stand part of the Bill.

Clauses 65 to 73 ordered to stand part of the Bill.

Clause 74

Power to suspend and revive provisions of this Act

Amendments made: 33, page 44, line 14, leave out "57" and insert "(Elections and referendums due to be held in England in period after 15 March 2020)".

This amendment provides that NC (Elections and referendums due to be held in England in period after 15 March 2020) is excluded from the scope of the powers to suspend and revive provisions of the Bill.

Amendment 23, page 44, line 15, at end insert—"(xa) section (Disapplication of limit under section 8 of the Industrial Development Act 1982);"

This amendment provides that the new clause inserted by Amendment NC15 is excluded from the scope of the powers to suspend and revive provisions of the Bill.

Clause 74, as amended, ordered to stand part of the Bill.

Clause 75

Expiry

Amendments made: 34, page 46, line 3, leave out “57” and insert

“(Elections and referendums due to be held in England in period after 15 March 2020)”.

This amendment would ensure that NC (Elections and referendums due to be held in England in period after 15 March 2020) does not expire under the provisions of the Bill providing for expiry.

Amendment 24, page 46, line 4, at end insert—

“(ja) section (Disapplication of limit under section 8 of the Industrial Development Act 1982)(1);”

This amendment provides that subsection (1) of the new clause inserted by Amendment NC15, which deals with the status of assistance provided in reliance on that clause, will continue to have effect after the expiry of the other provisions of that clause.

Amendment 47, page 46, line 18, at end insert—“( ) section (HMRC functions).”—(Penny Mordaunt.)

This amendment provides that NC(HMRC functions) does not expire at the end of the period of two years beginning with the day on which any Act resulting from the Bill is passed.

Clause 75, as amended, ordered to stand part of the Bill.

Clauses 76 to 78 ordered to stand part of the Bill.

Clause 79

Procedure for certain regulations made by a Minister of the Crown

Amendment made: 37, page 50, line 34, after “76(1)” insert “(other than regulations made in accordance with section (Six-monthly parliamentary review(1))”. —(Penny Mordaunt.)

This amendment excludes regulations from the affirmative resolution procedure if they are required to be made following a decision of the House of Commons by virtue of Amendment NC19.

Clause 79, as amended, ordered to stand part of the Bill.

Clauses 80 to 82 ordered to stand part of the Bill.

Clause 83

Reports by Secretary of State on status of non-devolved provisions of this Act

Amendment made: 18, page 54, line 21, leave out “of the power”.—(Penny Mordaunt.)

This amendment is a drafting amendment to remove some unnecessary words.

Clause 83, as amended, ordered to stand part of the Bill.

Clause 84 ordered to stand part of the Bill.

Clause 85

Extent

Amendments made: 44, page 55, line 34, at end insert—

“(ea) section (Extension of time limits for retention of fingerprints and DNA profiles);”

This amendment provides for New Clause (Extension of time limits for retention of fingerprints and DNA profiles) to extend to the whole of the United Kingdom.

Amendment 80, page 55, line 38, at end insert—

“(ii) section 52, so far as it relates to Part 1A of Schedule 23 (and that Part of that Schedule);”

This amendment to the extent clause is consequential on the amendment being made to the Schedule making provision about live links in criminal hearings.

Amendment 25, page 55, line 45, at end insert—

“(oa) section (Disapplication of limit under section 8 of the Industrial Development Act 1982);”

This amendment provides that the new clause inserted by Amendment NC15 is to extend to England and Wales, Scotland and Northern Ireland.

Amendment 48, page 55, line 45, at end insert—“( ) section (HMRC functions);”

This amendment provides that NC(HMRC functions) extends to England and Wales, Scotland and Northern Ireland.

Amendment 49, page 55, line 45, at end insert—“( ) section (Up-rating of working tax credit etc)(1) and (2);”

This amendment provides that NC(Up-rating of working tax credit etc)(1) and (2) extends to England and Wales, Scotland and Northern Ireland.

Amendment 50, page 56, line 5, at end insert—“( ) section (Up-rating of working tax credit etc)(3).”

This amendment provides that NC(Up-rating of working tax credit etc)(3) extends to England and Wales and Scotland.

Amendment 38, page 56, line 6, leave out “Section 58 extends” and insert “The following provisions extend”

This is a paving amendment for amendment 39.

Amendment 39, page 56, line 6, at end insert—“(a) section 58; (b) section (Local authority meetings).”

This amendment provides for new clause NC20 (Local authority meetings) to extend to England and Wales and Northern Ireland. (Clause 58 already has that extent.)

Amendment 17, page 56, line 7, at end insert—“(za) section (Emergency arrangements concerning medical practitioners: Wales) (and Schedule (Emergency arrangements concerning medical practitioners: Wales));”

This amendment provides that the new clause and Schedule inserted by Amendments NC15 and NS2 are to extend to England and Wales only (although they only apply in relation to Wales).

Amendment 81, page 56, line 20, leave out “(and Schedule 23)” and insert “, so far as it relates to Parts 1 and 2 of Schedule 23 (and those Parts of that Schedule)”

Amendment 35, page 56, line 24, leave out “57” and insert “(Elections and referendums due to be held in England in period after 15 March 2020), 57, (Elections due to be held in Wales in period after 15 March 2020)”

This amendment gives England and Wales extent to NC (Elections and referendums due to be held in England in period after 15 March 2020) and NC (Elections due to be held in Wales in period after 15 March 2020).

Amendment 36, page 56, line 24, at end insert—

“( ) section (Postponement of General Synod elections);”

This amendment provides that the new clause inserted by Amendment NC1 extends to England and Wales only.

Amendment 42, page 56, line 24, at end insert—

“( ) section (Extension of BID arrangements: England);”

This amendment provides for NC[] to extend to England and Wales.

Amendment 45, page 56, line 24, at end insert—

“( ) section (Residential tenancies: protection from eviction) (and Schedule (Residential tenancies: protection from eviction));”

This amendment provides that NC24 and NS3 extend to England and Wales only.

Amendment 72, page 56, line 24, at end insert—

“( ) section (Business tenancies in England and Wales: protection from forfeiture etc);”

This amendment provides that NC30 extends to England and Wales only.

Amendment 43, page 57, line 9, at end insert—

“( ) section (Extension of BID arrangements: Northern Ireland);”

This amendment provides for NC[] to extend to Northern Ireland.

Amendment 73, page 57, line 9, at end insert—

“( ) section (Business tenancies in Northern Ireland: protection from forfeiture etc);”—(Penny Mordaunt.)

This amendment provides that NC31 extends to Northern Ireland only.

Clause 85, as amended, ordered to stand part of the Bill.

Clauses 86 and 87 ordered to stand part of the Bill.

New Clause 15

Emergency arrangements concerning medical practitioners: Wales

Schedule (Emergency arrangements concerning medical practitioners: Wales) contains temporary modifications of—

(a) the National Health Service (Performers Lists) (Wales) Regulations 2004 (S.I. 2004/1020 (W. 117)), and

(b) the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 (S.I. 2004/478 (W. 48)).”—(Penny Mordaunt.)

This new clause introduces the new Schedule inserted by NS2

Brought up, and added to the Bill.

New Clause 16

Disapplication of limit under section 8 of the Industrial Development Act 1982

(1) Financial assistance provided under section 8 of the Industrial Development Act 1982 (general power to give selective financial assistance to industry) is not to count towards the limit set by subsections (4) and (5) of that section if the assistance has been designated under subsection (2) as “coronavirus-related”.

(2) The providing authority may make that designation if it appears to the authority that the assistance is provided (wholly or to a significant degree) for the purpose of preventing, reducing, or

compensating for any effect or anticipated effect (direct or indirect) of coronavirus or coronavirus disease. “The providing authority” means whichever of the Secretary of State, the Scottish Ministers or the Welsh Ministers provides the assistance.

(3) As soon as reasonably practicable after the end of any quarter in which assistance designated as coronavirus-related is provided by the Secretary of State, the Secretary of State must lay before Parliament a report stating the amount of, and containing such other details as the Secretary of State considers appropriate about—

(a) the designated assistance provided by the Secretary of State in that quarter, and

(b) all designated assistance provided by the Secretary of State from the time when this section came into force until the end of that quarter. “Quarter” means a period of three months ending at the end of March, June, September or December.” —(Penny Mordaunt.)

The amendment enables financial assistance to be provided to industry in response to coronavirus without counting towards the total financial limit contained in section 8 of the Industrial Development Act 1982, and provides for such assistance to be reported to Parliament.

Brought up, and added to the Bill.

New Clause 17

Elections and referendums due to be held in England in period after 15 March 2020

(1) This section applies to the poll for a relevant election or relevant referendum if the poll—

(a) is required to be held on a day falling within the period beginning with 16 March 2020 and ending with the day 30 days after that on which this Act is passed, but

(b) is not held in that period.

(2) Section 39 of the 1983 Act (local elections void etc) does not apply, and is treated as never having applied, in relation to the poll.

(3) Section 63 of that Act (breach of official duty) does not apply, and is treated as never having applied, in relation to any act or omission in connection with the poll.

(4) In determining for the purpose of this section whether a poll has been held, postal votes are to be ignored.

(5) This section does not affect the application of section 39 or 63 of the 1983 Act in relation to a poll the date for which is determined by virtue of section 58 (power to postpone).

(6) In this section—“the 1983 Act” means the Representation of the People Act 1983; “local government area” has the same meaning as in the 1983 Act (see section 203(1) of that Act); “relevant election” means an election of a councillor for any local government area in England to fill a casual vacancy; “relevant referendum” means a referendum under or by virtue of Schedule 4B

to the Town and Country Planning Act 1990 (referendums on neighbourhood development plans).” —(Penny Mordaunt.)

This new clause makes provision about polls that were required to be held, but were not held, in the period after 15 March. In particular it relieves returning officers, presiding officers and others of liability for defaults in relation to such polls.

Brought up, and added to the Bill.

New Clause 18

Elections due to be held in Wales in period after 15 March 2020

(1) This section applies to the poll for a relevant election if the poll—

(a) is required to be held on a day falling within the period beginning with 16 March 2020 and ending with the day 30 days after that on which this Act is passed, but

(b) is not held in that period.

(2) Section 39 of the 1983 Act (local elections void etc) does not apply, and is treated as never having applied, in relation to the poll.

(3) Section 63 of that Act (breach of official duty) does not apply, and is treated as never having applied, in relation to any act or omission in connection with the poll.

(4) In determining for the purpose of this section whether a poll has been held, postal votes are to be ignored.

(5) This section does not affect the application of section 39 or 63 of the 1983 Act in relation to a poll the date for which is determined by virtue of section 63 (power to postpone).

(6) In this section—

“the 1983 Act” means the Representation of the People Act 1983;

“relevant election” means an election to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.” —(Penny Mordaunt.)

This new clause makes provision about polls that were required to be held, but were not held, in the period after 15 March. In particular it relieves returning officers, presiding officers and others of liability for defaults in relation to such polls.

Brought up, and added to the Bill.

New Clause 19

Six-monthly parliamentary review

(1) If the House of Commons rejects a motion in the form set out in subsection (2), moved in accordance with subsection (3) by a Minister of the Crown, a Minister of the Crown must exercise the power conferred by section (1) so as to ensure that the relevant temporary provisions expire not later than the end of the period of 21 days beginning with the day on which the rejection takes place.

(2)

The form of the motion is—

“That the temporary provisions of the Coronavirus Act 2020 should not yet expire.”

(3)

So far as practicable, a Minister of the Crown must make arrangements for the motion mentioned in subsection (1) to be debated and voted on by the House of Commons within a period of 7 sitting days beginning immediately after each 6 month review period.

(4) In this section—

“6 month review period” means—

(a) the period of 6 months beginning with the day on which this Act is passed, and

(b) each subsequent period of 6 months,

but only (in each case) if at least one relevant temporary provision still exists at the end of the period (whether or not that provision has ever been brought into force or is at that time suspended);

“relevant temporary provision” means any provision of this Act—

(a) which is not listed in section (2) (provisions not subject to expiry), and

(b) in respect of which a Minister of the Crown could make provision under section (1) (early expiry regulations) without the consent of the Welsh Ministers, the Scottish Ministers or a Northern Ireland department;

“sitting day” means a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting if the House begins to sit on that day).” —(Penny Mordaunt.)

The clause provides an opportunity for the House of Commons to express a view on the continued operation of the Bill’s temporary provisions every 6 months. If its view is that the provisions should expire, regulations must be made to that effect. The clause does not apply to temporary provisions within the devolved competence of one of the devolved legislatures.

Brought up, and added to the Bill.

New Clause 20

Local authority meetings

(1) The relevant national authority may by regulations make provision relating to—

(a) requirements to hold local authority meetings;

(b) the times at or by which, periods within which, or frequency with which, local authority meetings are to be held;

(c) the places at which local authority meetings are to be held;

(d) the manner in which persons may attend, speak at, vote in, or otherwise participate in, local authority meetings;

(e) public admission and access to local authority meetings;

(f) the places at which, and manner in which, documents relating to local authority meetings are to be open to inspection by, or otherwise available to, members of the public.

(2) The provision which may be made by virtue of subsection (1)(d) includes in particular provision for persons to attend, speak at, vote in, or otherwise participate in, local authority meetings without all of the persons, or without any of the persons, being together in the same place.

(3) The regulations may make provision only in relation to local authority meetings required to be held, or held, before 7 May 2021.

(4) The power to make regulations under this section includes power—

(a) to disapply or modify any provision of an enactment or subordinate legislation;

(b) to make different provision for different purposes;

(c) to make consequential, supplementary, incidental, transitional or saving provision.

(5) In this section the “relevant national authority” means—

(a) in relation to local authorities in England, the Secretary of State;

(b) in relation to local authorities in Wales, the Welsh Ministers;

(c) in relation to local authorities in Northern Ireland, the Department for Communities in Northern Ireland.

(6) In this section “local authority meeting” means a meeting of—

(a) a local authority;

(b) an executive of a local authority (within the meaning of Part 1A or 2 of the Local Government Act 2000 or Part 6 of the Local Government Act (Northern Ireland) 2014);

(c) a joint committee of two or more local authorities;

(d) a committee or sub-committee of anything within paragraphs (a) to (c).

(7) In this section "local authority", in relation to England, means—

(a) a county council;

(b) a district council;

(c) a London borough council;

(d) the Common Council of the City of London;

(e) the Greater London Authority;

(f) the Council of the Isles of Scilly;

(g) a parish council;

(h) a joint board continued in being by virtue of section 263(1) of the Local Government Act 1972;

(i) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984;

(j) an authority established under section 10 of the Local Government Act 1985;

(k) a joint authority established under Part 4 of the Local Government Act 1985;

(l) a joint committee constituted to be a local planning authority under section 29 of the Planning and Compulsory Purchase Act 2004;

(m) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

(n) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, or created by an order under section 4A of that Act;

(o) a National Park authority established under section 63 of the Environment Act 1995;

(p) the Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988;

(q) a conservation board established under section 86 of the Countryside and Rights of Way Act 2000;

(r) an appeal panel constituted under the School Admissions (Appeals Arrangements) (England) Regulations 2012 (S.I. 2012/9).

(8) In this section “local authority”, in relation to Wales, means—

(a) a county council;

(b) a county borough council;

(c) a community council;

(d) a joint board continued in being by virtue of section 263(1) of the Local Government Act 1972;

(e) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984;

(f) a joint committee constituted to be a local planning authority under section 29 of the Planning and Compulsory Purchase Act 2004;

(g) a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004;

(h) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;

(i) a National Park authority established under section 63 of the Environment Act 1995;

(j) an appeal panel constituted under the Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (S.I. 2005/1398).

(9) In this section “local authority”, in relation to Northern Ireland, means a district council.

(10) In this section—

“enactment” includes—

(a) an enactment comprised in an Act or Measure of the National Assembly for Wales;

(b) an enactment comprised in Northern Ireland legislation;

“subordinate legislation” means—

(a) subordinate legislation within the meaning of the Interpretation Act 1978;

(b) an instrument made under an Act or Measure of the National Assembly for Wales;

(c) an instrument made under Northern Ireland legislation.

(11) Regulations under this section made by the Secretary of State or the Welsh Ministers are to be made by statutory instrument.

(12) A statutory instrument containing regulations under this section made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.

(13) A statutory instrument containing regulations under this section made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(14) The power of the Department for Communities in Northern Ireland to make regulations under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (and not by statutory instrument).

(15) Regulations under this section made by the Department for Communities in Northern Ireland are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954." —(Penny Mordaunt.)

This new clause confers power on the Secretary of State, Welsh Ministers and Department for Communities in Northern Ireland to make regulations in relation to meetings of specified local authorities. It may be used, for example, to remove requirements to hold annual meetings, or to allow virtual meetings. It may only be used in relation to meetings taking place before 7 May 2021.

Brought up, and added to the Bill.

New Clause 21

Extension of BID arrangements: England

(1) This section applies to BID arrangements if—

(a) they are in force on the day on which this Act is passed, and

(b) the period specified in the arrangements as the period for which they are in force is due to end on a date ("the 2020 expiry date") that is on or before 31 December 2020.

(2) But this section does not apply to BID arrangements ("current BID arrangements") if—

(a) a ballot under section 49(1) of the Local Government Act 2003 ("the 2003 Act") has taken place before the day on which this Act is passed, and—

(i) the business improvement district for the BID arrangements proposed in the ballot is the same or substantially the same as the business improvement district for which the current BID arrangements are in force, and

(ii) the date for the coming into force of the proposed BID arrangements is after the day on which this Act is passed, or

(b) a ballot under section 54(2) of the 2003 Act for the renewal of the current BID arrangements has taken place before the day on which this Act is passed.

(3) BID arrangements to which this section applies are to be read as if—

(a) the period specified in the arrangements as the period for which they are in force ended on 31 March 2021,

(b) the arrangements specified a chargeable period beginning on the day after the 2020 expiry date and ending on 31 March 2021 ("the 2021 chargeable period"),

(c) the arrangements provided for the amount of BID levy chargeable for the 2021 chargeable period—

(i) to be calculated in the same manner as for the last 2020 chargeable period, and

(ii) to be apportioned on a just and reasonable basis, where the 2021 chargeable period is not the same length as the last 2020 chargeable period, and

(d) the description of non-domestic ratepayers specified in the arrangements as liable for BID levy for the 2021 chargeable period were the same as that specified for the last 2020 chargeable period.

(4) "The last 2020 chargeable period" is the last chargeable period specified in the BID arrangements to end on or before the 2020 expiry date.

(5) The requirement in section 54(1) of the 2003 Act that the period for which BID arrangements have effect may not exceed 5 years does not apply to BID arrangements to which this section applies.

(6) Nothing in this section prevents the termination or alteration of BID arrangements in accordance with regulations under section 54(4) of the 2003 Act.

(7) Expressions used in this section and in Part 4 of the 2003 Act have the same meaning in this section as they have in that Part.

(8) This section binds the Crown.

(9) This section does not apply in relation to Wales." —(Penny Mordaunt.)

This amendment inserts a new clause (to be added to Part 1) which provides that BID arrangements in respect of business improvement districts under the Local Government Act 2003 which are to expire in 2020 continue until 31 March 2021. It also provides for the BID levy to continue to be payable under those arrangements.

Brought up, and added to the Bill.

New Clause 22

Extension of BID arrangements: Northern Ireland

(1) This section applies to BID arrangements if—

(a) they are in force on the day on which this Act is passed, and

(b) the period specified in the arrangements as the period for which they are in force is due to end on a date ("the 2020 expiry date") that is on or before 31 December 2020.

(2) BID arrangements to which this section applies are to be read as if—

(a) the period specified in the arrangements as the period for which they are in force ended on 31 March 2021,

(b) there is a chargeable period in relation to the arrangements beginning on the day after the 2020 expiry date and ending on 31 March 2021 ("the 2021 chargeable period"),

(c) the arrangements provided for the amount of BID levy chargeable for the 2021 chargeable period—

(i) to be calculated in the same manner as for the last 2020 chargeable period, and

(ii) to be apportioned on a just and reasonable basis, where the 2021 chargeable period is not the same length as the last 2020 chargeable period, and

(d) the description of eligible ratepayers liable for BID levy in relation to the arrangements for the 2021 chargeable period were the same as that for the last 2020 chargeable period.

(3) "The last 2020 chargeable period" is the last chargeable period in relation to the BID arrangements to end on or before the 2020 expiry date.

(4) The requirement in section 16(1) of the Business Improvement Districts Act (Northern Ireland) 2013 ("the 2013 Act") that the period for which BID arrangements have effect may not exceed 5 years does not apply to BID arrangements to which this section applies.

(5) Nothing in this section prevents the termination or alteration of BID arrangements in accordance with regulations under section 16(4) of the 2013 Act.

(6) Expressions used in this section and in the 2013 Act have the same meaning in this section as they have in that Act.

(7) This section binds the Crown." —(Penny Mordaunt.)

This amendment inserts a new clause (to be added to Part 1)which provides that BID arrangements in respect of business improvement districts in Northern Ireland under the Business Improvement

Districts Act (Northern Ireland) 2013 which are to expire in 2020 continue until 31 March 2021. It also provides for the BID levy to continue to be payable under those arrangements.

Brought up, and added to the Bill.

New Clause 23

Extension of time limits for retention of fingerprints and DNA profiles

(1) This section applies to fingerprints and DNA profiles that are retained—

(a) in accordance with a national security determination;

(b) under any of the following provisions—

(i) section 63F of the Police and Criminal Evidence Act 1984 (retention of section 63D material);

(ii) paragraph 20B or 20C of Schedule 8 to the Terrorism Act 2000 (retention of paragraph 20A material);

(iii) section 18A of the Counter-Terrorism Act 2008 (retention of section 18 material);

(iv) paragraph 8(2) of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (retention of paragraph 6 material); other than fingerprints and DNA profiles that may be retained indefinitely under the provision in question;

(c) before being destroyed under—

(i) section 18(3) of the Criminal Procedure (Scotland) Act 1995 (destruction of relevant physical data);

(ii) Article 64(1BA) or (3), 64ZB(2), 64ZC(3), 64ZD(3), 64ZE(3), 64ZF(3), 64ZG(3), 64ZH(3), 64ZI(5) or 64ZJ of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (destruction of fingerprints and samples).

(2) The Secretary of State may make regulations extending, for up to six months, the period for which the fingerprints and DNA profiles may be retained.

(3) The Secretary of State may exercise the power under subsection (2) only if the Secretary of State considers that—

(a) coronavirus is having, or is likely to have, an adverse effect on the capacity of persons responsible for making national security determinations to consider whether to make, or renew, national security determinations, and

(b) it is in the interests of national security to retain the fingerprints or DNA profiles.

(4) The power under subsection (2) may be exercised on more than one occasion, but not so as to extend the period for which any fingerprints or DNA profile may be retained by more than 12 months in total.

(5) The power under subsection (2) may be exercised only in relation to fingerprints and DNA profiles which (ignoring the possibility of an extension otherwise than by regulations under that subsection) would need to be destroyed within the period of 12 months beginning with the day on which this Act is passed.

(6) Before making regulations under this section, the Secretary of State must consult the Commissioner for the Retention and Use of Biometric Material.

(7) If the Secretary of State has not exercised the power under subsection (2) before the end of the period of 3 months beginning with the day on which this Act is passed, this section ceases to have effect.

(8) Regulations under subsection (2) may—

(a) make different provision for different purposes;

(b) make consequential, supplementary or transitional provision.

(9) A statutory instrument containing regulations under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.

(10) In this section—

“DNA profile” means any information derived from any material that has come from a human body and consists of or includes human cells;

“fingerprints”, in relation to any person, means a record (in any form and produced by any method) of the skin pattern and other physical characteristics of—

(a) any of that person’s fingers, or

(b) either of the person’s palms;

“national security determination” means a determination made or renewed under—

(a) section 63M of the Police and Criminal Evidence Act 1984 (section 63D material retained for purposes of national security);

(b) paragraph 20E of Schedule 8 to the Terrorism Act 2000 (paragraph 20A material retained for purposes of national security);

(c) section 18B of the Counter-Terrorism Act 2008 (section 18 material retained for purposes of national security);

(d) paragraph 11 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (paragraph 6 material retained for purposes of national security);

(e) section 18G of the Criminal Procedure (Scotland) Act 1995 (certain material retained for purposes of national security);

(f) paragraph 7 of Schedule 1 to the Protection of Freedoms Act 2012 (material subject to the Police and Criminal Evidence (Northern Ireland) Order 1989 retained for purposes of national security);

(g) Article 64ZK of the Police and Criminal Evidence (Northern Ireland) Order 1989 (Article 64 material retained for purposes of national security).” —(Penny Mordaunt.)

This new clause allows the Secretary of State to make regulations to secure the retention of fingerprints and DNA samples that would otherwise be destroyed due to the expiry of a time limit, where it is in the interests of national security to retain them.

Brought up, and added to the Bill.

New Clause 24

Residential tenancies: protection from eviction

“Schedule (Residential tenancies: protection from eviction) makes provision about notice periods in relation to possession proceedings in respect of certain residential tenancies etc.” —(Penny Mordaunt.)

This new clause introduces NS3 which contains provision extending, or creating, notice periods in relation to possession proceedings in respect of certain residential tenancies etc.

Brought up, and added to the Bill.

New Clause 25

HMRC functions

Her Majesty’s Revenue and Customs are to have such functions as the Treasury may direct in relation to coronavirus or coronavirus disease.”—(Penny Mordaunt)

This amendment gives HMRC such functions as the Treasury may direct in relation to coronavirus or coronavirus disease.

Brought up, and added to the Bill.

New Clause 26

Up-rating of working tax credit etc

(1) In the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005), in the table in Schedule 2 (maximum rates of the elements of a working tax credit), item 1 (basic element) has effect in relation to the tax year 2020-21 as if the amount specified in the second column (maximum annual rate) were £3,040.

(2) The modification made by subsection (1) does not apply for the purposes of any annual review carried out in accordance with section 41 of the Tax Credits Act 2002.

(3) Where a sum mentioned in section 150(1) of the Social Security Administration Act 1992 (annual review in relation to up-rating of benefits) is modified in relation to the tax year 2020-21 for purposes connected with coronavirus or coronavirus disease, the modification does not apply for the purposes of any annual review carried out in accordance with that subsection."—(Penny Mordaunt.)

This amendment increases the basic element of working tax credit for the tax year 2020-21 to £3,040 but provides that an annual review relating to this benefit is to be based on the amount it would have been without this increase. It also provides that, if the amounts of certain other benefits are modified for purposes connected with coronavirus or coronavirus disease, annual reviews relating to those benefits are to be based on the amount that the benefits would have been if they had not been modified.

Brought up, and added to the Bill.

New clause 30

Business tenancies in England and Wales: protection from forfeiture etc

(1) A right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent may not be enforced, by action or otherwise, during the relevant period.

(2) During the relevant period, no conduct by or on behalf of a landlord, other than giving an express waiver in writing, is to be regarded as waiving a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.

(3) Subsections (4) to (6) apply in relation to any proceedings in the High Court commenced before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.

(4) Any order made by the High Court during the relevant period to the effect that possession of the property comprised in the relevant business tenancy is to be given to the landlord must ensure that the tenant does not have to give possession of the property to the landlord before the end of the relevant period.

(5) Subsection (6) applies where—

(a) the High Court has made an order which would otherwise have the effect of requiring possession of the property comprised in the relevant business tenancy to be given to the landlord during the relevant period unless the tenant complies with some requirement before a time falling within that period, and

(b) before possession is given to the landlord in accordance with the order, the tenant applies to vary the order.

(6) In dealing with the application, the High Court must ensure that the tenant does not have to give possession of the property to the landlord before the end of the relevant period.

(7) Subsections (8) to (10) apply in relation to any proceedings in the county court commenced before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.

(8) The county court may not make an order, during the relevant period, under section 138(3) of the County Courts Act 1984 which specifies a period that expires before the end of the day which is the last day of the relevant period when the order is made.

(9) Subsection (10) applies where—

(a) the period specified in an order made, before or during the relevant period, under section 138(3) of the County Courts Act 1984, or

(b) the period so specified as extended, or in accordance with subsection (10) treated as extended, under section 138(4) of that Act, would otherwise expire during the relevant period.

(10) The period mentioned in paragraph (a) or (as the case may be) (b) of subsection (9) is to be treated as extended, under section 138(4) of that Act, so that it expires at the end of the relevant period.

(11) For the purposes of determining whether the ground mentioned in section 30(1)(b) of the Landlord and Tenant Act 1954 (persistent delay in paying rent which has become due) is established in relation to a relevant business tenancy, any failure to pay rent under that tenancy during the relevant period (whether rent due before or in that period) is to be disregarded.

(12) In this section— “relevant business tenancy” means —

(a) a tenancy to which Part 2 of the Landlord and Tenant Act 1954 applies, or

(b) a tenancy to which that Part of that Act would apply if any relevant occupier were the tenant;

“relevant national authority” means—

(a) in relation to England, the Secretary of State, and

(b) in relation to Wales, the Welsh Ministers;

“relevant occupier”, in relation to a tenancy, means a person, other than the tenant, who lawfully occupies premises which are, or form part of, the property comprised in the tenancy;

“relevant period” means the period—

(a) beginning with the day after the day on which this Act is passed, and

(b) ending with 30 June 2020 or such later date as may be specified by the relevant national authority in regulations made by statutory instrument (and that power may be exercised on more than one occasion so as to further extend the period);

“rent” includes any sum a tenant is liable to pay under a relevant business tenancy.

(13) A statutory instrument containing regulations of the Secretary of State under subsection (12) is subject to annulment in pursuance of a resolution of either House of Parliament.

14) A statutory instrument containing regulations of the Welsh Ministers under subsection (12) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.” —(Penny Mordaunt.)

This amendment protects business tenants in England and Wales from re-entry or forfeiture of their leases for non-payment of rent for a period of time and provides tenants and landlords with associated protections.

Brought up, and added to the Bill.

New Clause 31

Business tenancies in Northern Ireland: protection from forfeiture etc

(1) A right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent may not be enforced, by action or otherwise, during the relevant period.

(2) During the relevant period, no conduct by or on behalf of a landlord, other than giving an express waiver in writing, is to be regarded as waiving a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.

(3) Subsections (4) and (5) apply in relation to any proceedings commenced in any court before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.

(4) During the relevant period, the court may not make an order in pursuance of the right of re-entry or forfeiture to the effect that possession of the property comprised in the tenancy is to be given to the landlord before the end of the last day of the relevant period when the order is made.

(5) Where a court has, before or during the relevant period, made an order in pursuance of the right of re-entry or forfeiture to the effect that possession of the property comprised in the tenancy is to be given to the landlord before the end of the last day of the relevant period the order is to be treated as if it specified that the land is to be delivered up immediately after the end of the relevant period.

(6) For the purposes of determining whether the ground mentioned in Article 12(1)(b) of the Business Tenancies (Northern Ireland) Order 1996 (S.I. 1996/725 (N.I. 5)) (persistent delay in

paying rent which has become due) is established in relation to a relevant business tenancy, any failure to pay rent under that tenancy during the relevant period (whether rent due before or in that period) is to be disregarded.

(7) In this section—

“court” means the county court or the High Court;

“relevant business tenancy” means—

(a) a tenancy to which the Business Tenancies (Northern Ireland) Order 1996 (S.I. 1996/725 (N.I. 5)) applies, or

(b) a tenancy to which that Order would apply if any relevant occupier were the tenant;

“relevant occupier”, in relation to a tenancy, means a person, other than the tenant, who lawfully occupies premises which are, or form part of, the property comprised in the tenancy;

“relevant period” means the period—

(a) beginning with the day after the day on which this Act is passed, and

(b) ending with 30 June 2020 or such later date as may be specified in regulations made by the Department of Finance (and that power may be exercised on more than one occasion so as to further extend the period);

“rent” includes any sum a tenant is liable to pay under a relevant business tenancy.

(8) The power to make regulations under subsection (7) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

(9) Regulations under subsection (7) are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.” —(Penny Mordaunt.)

This amendment protects business tenants in Northern Ireland from re-entry or forfeiture of their leases for non-payment of rent for a period of time and provides tenants and landlords with associated protection.

Brought up, and added to the Bill.

New Clause 1

Postponement of General Synod elections

‘(1) Her Majesty may by Order in Council, at the joint request of the Archbishops of Canterbury and York, postpone to the date specified in the Order the date on which the Convocations of

Canterbury and York stand dissolved for the purposes of the Church of England Convocations Act 1966.

(2) Section 1 of that Act is, accordingly, to be read subject to provision made by an Order under this section.

(3) If either of the Archbishops is unable to exercise the power to join in making a request under subsection (1), or if the see of either of the Archbishops is vacant, the power may be exercised by the senior bishop of the province, with seniority for that purpose being determined in accordance with section 10(4) of the Bishops (Retirement) Measure 1986.

(4) An Order under this section may make consequential, supplementary, incidental, transitional or saving provision." —(Andrew Selous.)

The new clause would enable elections to the General Synod of the Church of England that are due to take place this summer to be postponed.

Brought up, and added to the Bill.

Schedules 1 to 6 agreed to.

Schedule 7

Mental health: England and Wales

Amendments made: 15, page 92, line 39, after paragraph 10 insert—

"Constitution and proceedings of the Mental Health Review Tribunal for Wales

10A (1) Sub-paragraph (2) applies if the President of the Mental Health Review Tribunal for Wales ("the Tribunal"), or another member of the Tribunal appointed by the President for the purpose referred to in paragraph 4 of Schedule 2 to the 1983 Act, considers that it is impractical or would involve undesirable delay for the Tribunal to be constituted, for the purposes of any proceedings or class or group of proceedings under the 1983 Act, by at least three members as provided for in that paragraph.

(2) The President, or that other member, may instead appoint to constitute the Tribunal, for the purposes of those proceedings or that class or group of proceedings—

(a) one of the legal members of the Tribunal, or

(b) one of the legal members of the Tribunal and one other member who is not a legal member.

(3) Where the Tribunal is constituted by one or two members under sub-paragraph (2)(a) or (b), section 65(3) has effect as if the reference to any three or more of its members were a reference to that one member or those two members (as the case may be).

(4) Paragraph 6 of Schedule 2 to the 1983 Act does not apply where the Tribunal is constituted by one or two members under sub-paragraph (2)(a) or (b).

If the Tribunal is constituted by two members, the legal member is to be the chairman.

(5) Where the Tribunal is constituted by a single member under sub-paragraph (2)(a), in rule 11(2) of the Mental Health Review Tribunal for Wales Rules 2008 (S.I. 2008/2705) ("the 2008 Rules"), the reference to the chairman is to be read as a reference to that member.

(6) Where the Tribunal is constituted under sub-paragraph (2) without a medical member, rule 20(1) and (2) of the 2008 Rules does not apply.

10B (1) The Mental Health Review Tribunal for Wales Rules 2008 ("the 2008 Rules") have effect subject to this paragraph.

(2) The Tribunal may determine an application or reference without a hearing if it considers that—

(a) holding a hearing is impractical or would involve undesirable delay,

(b) having regard to the nature of the issues raised in the case, sufficient evidence is available to enable it to come to a decision without a hearing, and

(c) to dispense with a hearing would not be detrimental to the health of the patient.

(3) The Tribunal must, as soon as reasonably practicable, give notice to each party of—

(a) its decision to dispense with a hearing under sub-paragraph (2), and

(b) the earliest time at which it might determine the application or reference in accordance with that sub-paragraph (which must be such as to afford the parties reasonable notice).

(4) Where an application or reference is to be determined in accordance with sub-paragraph (2)—

(a) in rules 4, 15 and 20 of the 2008 Rules, references to a hearing (or its commencement) are to be read as references to the time notified under sub-paragraph (3)(b);

(b) in rule 24(1) and (2) of the 2008 Rules, references to the start of the hearing are to be read as references to the determination of the application or reference;

(c) in rule 28 of the 2008 Rules—

(i) paragraph (1) does not apply, and

(ii) in paragraph (3), references to the hearing are to be read as references to the determination of the application or reference.

(5) The Tribunal may at any time reverse a decision to dispense with a hearing under sub-paragraph (2), and if it does so it must give notice to each party and make such consequential directions as it considers appropriate.

(6) Expressions used in this paragraph and in the 2008 Rules have the same meaning as in those Rules.

10C (1) If the President of the Tribunal is temporarily unable to discharge the functions of the office, the President of the Welsh Tribunals may from time to time nominate another legal member of the Tribunal to act as the temporary deputy of the President of the Tribunal for the purpose of discharging those functions generally or certain of them specifically.

(2) While such an nomination remains in force, any reference to the President of the Tribunal in the 1983 Act or any other enactment or instrument is to be read accordingly."

This amendment enables the jurisdiction of the Mental Health Review Tribunal for Wales to be exercised by a single member or a two-member panel, rather than a panel of at least three members; enables the Tribunal to deal with proceedings on paper rather than at a hearing in suitable cases; and enables the nomination of a temporary deputy if the President of the Tribunal is temporarily unable to act in the office.

Amendment 16, page 93, line 11, after paragraph 13 insert—

"14 Paragraph 10A(3) to (6) continues to apply after the end of a period for which it has effect in relation to proceedings that are, when the period ends, before a constitution of the Mental Health Review Tribunal for Wales appointed under sub-paragraph (2) of that paragraph.

15 Paragraph 10B continues to apply after the end of a period for which it has effect in relation to any application or reference with respect to which, when the period ends, a decision to dispense with a hearing has been notified by the Mental Health Review Tribunal for Wales under sub-paragraph (3) of that paragraph and remains current.

16 Paragraph 10C continues to apply after the end of a period for which it has effect in relation to any nomination of a temporary deputy that is in force when the period ends."—(Penny Mordaunt.)

This amendment makes transitional provision in connection with Amendment 15.

Schedule 7, as amended, agreed to.

Schedules 8 to 17 agreed to.

Schedule 18

Health protection regulations: Scotland

Amendment made: 19, page 209, line 15, at end insert—

“(2A) Regulations under paragraph 1(1) may not include provision imposing a special restriction or requirement mentioned in paragraph 4(2)(a), (b), (c) or (d).” —(Penny Mordaunt.)

This change brings the provisions in this Schedule relating to Scotland into line with the equivalent provisions relating to Northern Ireland.

Schedule 18, as amended, agreed to.

Schedule 19 agreed to.

Schedule 20

Powers relating to potentially infectious persons

Amendments made: 9, page 216, line 30, at end insert—

“(2A) A designation under sub-paragraph (2) may in particular be of a class or description of person.”

This amendment makes it clear that designations of public health officials for the purposes of the Schedule can be generic.

Amendment 10, page 220, line 23, leave out

“of the rank of senior immigration officer or above”

and insert

“not below the rank of chief immigration officer”.

This amendment corrects a reference to the rank of immigration officer who may approve an extension to the period for which a person is kept at a place for screening and assessment.

Amendment 11, page 229, line 31, leave out

“of the rank of senior immigration officer or above”

and insert

“not below the rank of chief immigration officer”.

This amendment corrects a reference to the rank of immigration officer who may approve an extension to the period for which a person is kept at a place for screening and assessment.

Amendment 12, page 238, line 43, leave out

“of the rank of senior immigration officer or above”

and insert

“not below the rank of chief immigration officer”.

This amendment corrects a reference to the rank of immigration officer who may approve an extension to the period for which a person is kept at a place for screening and assessment.

Amendment 13, page 248, line 12, leave out

“of the rank of senior immigration officer or above”

and insert

“not below the rank of chief immigration officer”.—(Penny Mordaunt.)

This amendment corrects a reference to the rank of immigration officer who may approve an extension to the period for which a person is kept at a place for screening and assessment.

Schedule 20, as amended, agreed to.

Schedule 21

Powers to issue directions relating to events, gatherings and premises

Amendments made: 55, page 257, line 25, at end insert—

“Enforcement and prosecutions

10A (1) A person, or description of person, designated in writing for the purpose of this sub-paragraph by the Secretary of State may take such action as is necessaryto enforce compliance with a direction issued under this Part of this Schedule.

(2) Proceedings for an offence under this Part of this Schedule may be brought by a person, or description of person, designated in writing for the purpose of this sub-paragraph by the Secretary of State.

(3) The powers conferred by or under this paragraph do not affect any other powerto enforce compliance with a direction issued under this Part of this Schedule or to bring proceedings for an offence under this Part of this Schedule.”

This amendment confers a power on the Secretary of State to designate persons to enforce directions issued by the Secretary of State under Schedule 21 and to bring proceedings for offences in relation to them.

Amendment 56, page 265, line 41, at end insert—

“Enforcement and prosecutions

32A (1) A person, or description of person, designated in writing for the purpose of this sub-paragraph by the Welsh Ministers may take such action as is necessary to enforce compliance with a direction issued under this Part of this Schedule.

(2) Proceedings for an offence under this Part of this Schedule may be brought by a person, or description of person, designated in writing for the purpose of this sub-paragraph by the Welsh Minsters.

(3) The powers conferred by or under this paragraph do not affect any other power to enforce compliance with a direction issued under this Part of this Schedule or to bring proceedings for an offence under this Part of this Schedule."—(Penny Mordaunt.)

This amendment confers a power on the Welsh Ministers to designate persons to enforce directions issued by the Welsh Ministers under Schedule 21 and to bring proceedings for offences in relation to them.

Schedule 21, as amended, agreed to.

Schedule 22 agreed to.

Schedule 23

Live links in other criminal hearings

Amendment made: 82, in page 294, line 11, at end insert—

"Part 1A

Expansion of powers under the Extradition Act 2003

7A The Extradition Act 2003 has effect as if amended in accordance with this Part of this Schedule.

7B (1) Section 206A has effect as if amended as follows.

(2) In the heading, "certain" were omitted.

(3) In subsection (1)—

(a) in paragraph (a), the words from "other" to "56," were omitted, and

(b) in paragraph (b), the words from ", other" to the end were omitted.

(4) In subsection (2)—

(a) for the words from "the person" to "during the hearing," there were substituted "it is in the interest of justice to do so," and

(b) "at any time before the hearing" were omitted.

(5) For subsection (3) there were substituted—

“(3) A live link direction is a direction requiring a person to take part in the hearing through a live link.

(3A) The power to give a live link direction under this section includes the power to give a direction to all or any of the following persons to take part in the hearing through a live link—

the appropriate judge,

(b) the person affected by the extradition claim,

(c) any other party,

(d) the prosecutor or any other legal representative acting in the hearing,

(e) any witnesses in the hearing, and

(f) any interpreter or person appointed by the court to assist in the hearing.”

(6) Subsection (5) were omitted.

(7) For subsection (6) there were substituted—

“(6) A person who takes part in the hearing through a live link is to be treated as present in court for the purposes of the hearing.”

7C (1) Section 206C has effect as if amended as follows.

(2) Subsection (5) were omitted.

(3) In subsection (6)—

(a) in the opening words, for “, while absent from the place where the hearing is being held,” there were substituted “(P)”,

(b) in paragraph (a), for the words from “the appropriate” to the end there were substituted “all other persons taking part in the hearing who are not in the same location as P, and”, and

(c) in paragraph (b), for the words from “the judge” to the end there were substituted “all the other persons taking part in the hearing who are not in the same location as P, ””—(Penny Mordaunt.)

This amendment makes temporary modifications to the Extradition Act 2003 so that the power to direct that persons affected by the extradition claim may take part in certain hearings under that Act by live link is extended so that the power can be exercised in relation to any person who is taking part in any hearing under Part 1 or 2 of that Act.

Schedule 23, as amended, agreed to.

Schedule 24 agreed to.

Schedule 25

Live links in certain magistrates' court proceedings

Amendment made: 5, page 301, line 36, after "17(1)" insert "or 61(1)".—(Penny Mordaunt.)

This amendment corrects an inadvertent omission by inserting, after the equivalent cross reference for persons in England, a cross reference to the right given to potentially infectious persons in Wales to appeal to a magistrates' court against requirements or restrictions imposed under Schedule 20.

Schedule 25, as amended, agreed to.

Schedule 26 agreed to.

Schedule 27

Transportation, storage and disposal of dead bodies etc

Amendments made: 51, page 316, line 41, leave out paragraph 5.

This amendment removes paragraph 5 of Schedule 27, which is replaced by amendment 52.

Amendment 52, page 320, line 15, at end insert—

"PART 3A

DECEASED'S WISHES ETC

"13A(1) In carrying out functions under this Schedule local authorities and the appropriate national authorities must have regard to the desirability of disposing of a dead person's body or other remains—

(a) in accordance with the person's wishes, if known, or

(b) otherwise in a way that appears consistent with the person's religion or beliefs, if known.

(2) In carrying out functions under the legislation listed in sub-paragraph (3), designated local authorities must have regard to the desirability of disposing of a dead person's body or other remains—

(a) in accordance with the person's wishes, if known, or

(b) otherwise in a way that appears consistent with the person's religion or beliefs, if known.

(3) The legislation is—

(a) section 46(1) or (2) of the Public Health (Control of Disease) Act 1984 (local authority to arrange burial or cremation where no other suitablearrangements being made);

(b) section 25(1) of the Welfare Services Act (Northern Ireland) 1971 (corresponding provision for Northern Ireland).

(4) The following do not apply to a designated local authority—

(a) section 46(3) of the Public Health (Control of Disease) Act 1984 (local authority not to cause body to be cremated under that section contrary to the wishes of the deceased);

(b) in section 25(5) of the Welfare Services Act (Northern Ireland) 1971, the words from “and a body” to the end (corresponding provision for Northern Ireland);

(c) regulation 6 and 13(a) of the Cremation (Belfast) Regulations (Northern Ireland) 1961 (S.R. & O. (N.I.) 1961 No. 61) (which provides that it is unlawful to cremate the remains of a person who is known to have left a written direction to the contrary etc).

(5) The appropriate national authority must give guidance as to the discharge by local authorities of duties under this paragraph.

(6) Local authorities must have regard to any guidance given under subparagraph (5).

(7) In this paragraph “designated local authority” means a local authority for the time being designated under paragraph 4.”—(Penny Mordaunt.)

This amendment ensures that in carrying out functions under Schedule 27 and certain other legislation, local authorities and other public authorities have regard to the desirability of disposing of bodies in accordance with people’s wishes, religions and beliefs (if known).

Schedule 27, as amended, agreed to.

New Schedule 2

Emergency arrangements concerning medical practitioners: Wales

Temporary exception to rule requiring listing in order to perform primary medical services

1 (1) The National Health Service (Performers Lists) (Wales) Regulations 2004 (S.I. 2004/1020 (W. 117)) have effect with the following modifications.

(2) The regulations have effect as if, after regulation 22, there were inserted—

“22A Temporary exception under the Coronavirus Act 2020

(1) A person who is registered in the GP Register by virtue of section 18A of the Medical Act 1983 (temporary registration with regard to emergencies) may perform primary medical services, despite not being included in a medical performers list, provided that—

(a) the person has made an application to a Local Health Board for inclusion in its medical performers list under regulation 4 or 4A, and

(b) the person's application has not been—

(i) refused under regulation 6, 22B or 24, or

(ii) deferred under regulation 7 or 22B.

(2) Regulation 9 applies to a person who performs primary medical services by virtue of this regulation as it applies to a performer included in a medical performers list.

22B Grounds for refusal and deferral under the Coronavirus Act 2020

(1) This regulation applies where a person who is registered in the GP Register by virtue of section 18A of the Medical Act 1983 has made an application to a Local Health Board for inclusion in its medical performers list.

(2) But this regulation does not affect a Local Health Board's functions under regulations 6, 7 and 24 in relation to the refusal or deferral of an application by such a person.

(3) A Local Health Board may refuse the person's application for inclusion in its medical performers list if—

(a) the Local Health Board has received an allegation (in any manner) about either—

(i) professional misconduct of the person, or

(ii) the person's involvement in a matter which the person would be under a duty to disclose under regulation 9(1) or (2), and

(b) the nature of the allegation is such that, were the person already included in its list, the Local Health Board would be satisfied that it would be necessary for the protection of members of the public, or otherwise in the public interest, to suspend the person from its list under regulation 13 while it decided whether to remove them from its list.

(4) A Local Health Board may defer determination of the person's application for inclusion in its medical performers list if—

(a) the person has declared any matter specified in regulation 9(1) or (2), and

(b) the Local Health Board is satisfied that it is necessary for the protection of members of the public, or otherwise in the public interest, to complete its consideration of the person's application before the person is permitted to perform primary medical services.

(5) Unless paragraph (6) applies, a person whose application is refused by a Local Health Board under paragraph (3) may not reapply for inclusion in any medical performers list.

(6) This paragraph applies where a person subsequently becomes registered in the GP Register as a fully registered person, within the meaning given by section 55(1) of the Medical Act 1983, otherwise than by virtue of section 18A of that Act.

(7) A Local Health Board must notify an applicant in writing of a determination made under this regulation, and the reasons for it, within 7 days of making the determination.

(8) An applicant may not appeal any determination made by a Local Health Board under this regulation."

(3) Regulation 15 (appeals) has effect as if before paragraph (1) there were inserted—

"(A1) This regulation does not apply where a person's application for inclusion in a medical performers list is refused under regulation 22B(3)."

Modification of General Medical Services Contracts Regulations 2004

2 (1) The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 (S.I. 2004/478 (W. 48)) have effect subject to the following modifications.

(2) In paragraph 52 of Schedule 6 (contractual terms: qualifications of performers), after sub-paragraph (2) insert—

"(2A) Sub-paragraph (1)(a) does not apply in the case of a person who is performing primary medical services by virtue of regulation 22A of the National Health Service (Primary Medical Services Performers Lists) (Wales) Regulations 2004 (S.I. 2004/1020 (W. 117))."

(3) In paragraph 56 of Schedule 6 (contractual terms: conditions for employment and engagement), after sub-paragraph (4) insert—

"(4A) This paragraph does not apply in the case of a person who is performing primary medical services by virtue of regulation 22A of the National Health Service (Primary Medical Services Performers Lists) (Wales) Regulations 2004 (S.I. 2004/1020 (W. 117))."

(4) In paragraph 58 of Schedule 6 (contractual terms: conditions for employment and engagement), after sub-paragraph (3) insert—

"(4) This paragraph does not apply in the case of a person who is performing primary medical services by virtue of regulation 22A of the National Health Service (Primary Medical Services Performers Lists) (Wales) Regulations 2004 (S.I. 2004/1020 (W. 117))."

Power to modify Schedule

3 (1) The Welsh Ministers may by regulations made by statutory instrument modify this Schedule.

(2) A statutory instrument containing regulations under sub-paragraph (1) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.—(Penny Mordaunt.)

Brought up, and added to the Bill.

This new Schedule enables temporarily registered GPs to perform primary medical services in Wales in certain circumstances despite not being on the performers list of a Local Health Board. It makes similar provision for Wales to that made by Schedule 2 to the Bill for Scotland.

New Schedule 3

Residential tenancies: protection from eviction

Interpretation

1 (1) In this Schedule "the relevant period" means the period—

(a) beginning with the day after the day on which this Act is passed, and

(b) ending with 30 September 2020.

(2) The relevant national authority may by regulations made by statutory instrument amend sub-paragraph (1)(b) to specify a later date than the date for the time being specified there.

(3) In this Schedule "relevant national authority" means—

(a) in relation to England, the Secretary of State, and

(b) in relation to Wales, the Welsh Ministers.

Rent Act 1977: protected tenancies and statutory tenancies

2 (1) Section 5(1) of the Protection from Eviction Act 1977 (validity of notices to quit) is to be read, in relation to Rent Act notices to quit given by the landlord during the relevant period, as if the reference to 4 weeks were a reference to 3 months.

(2) In sub-paragraph (1) "Rent Act notice to quit" means a notice to quit relating to a tenancy that is a protected tenancy for the purposes of the Rent Act 1977 (see section 1 of that Act).

(3) Section 3 of the Rent Act 1977 (terms and conditions of statutory tenancies) is to be read as if after subsection (4) there were inserted—

"(4A) Proceedings for an order for a landlord to obtain possession of a dwelling-house as against a statutory tenant may not be commenced during the relevant period (see paragraph 1(1) and (2) of Schedule (Residential tenancies: protection from eviction) to the Coronavirus Act 2020) unless—

(a) the landlord has given the statutory tenant a notice of intention to commence possession proceedings;

(b) the notice period is a period of at least three months; and

(c) the proceedings are commenced on or after the intended date for commencing proceedings.

(4B) But the proceedings may be commenced without compliance with subsection (4A) if the court considers it just and equitable to dispense with the requirement to comply.

(4C) For the purposes of this section a “notice of intention to commence possession proceedings”, in relation to a dwelling house and a statutory tenant, is a notice that—

(a) is in writing;

(b) describes the statutory tenancy;

(c) states—

(i) the address of the dwelling-house,

(ii) the name of the statutory tenant, and

(iii) the name and address of the landlord;

(d) states that the landlord intends to commence proceedings to obtain possession of the dwelling-house as against the statutory tenant;

(e) states—

(i) the ground or grounds on which the landlord intends to seek possession of the dwelling-house, and

(ii) the reason or reasons why the landlord believes the ground or grounds to be applicable;

(f) states the date on or after which the landlord intends to commence the possession proceedings;

(g) explains that the landlord is prohibited from commencing those proceedings in reliance on the notice—

(i) unless that date falls at least three months after the date on which the notice is given, and

(ii) until that date.

(4D) A notice of intention to commence possession proceedings may be given by leaving it at, or sending it by post to, the dwelling-house to which it relates.

(4E) Where subsection (4A) applies and possession proceedings are commenced in reliance on a notice of intention to commence possession proceedings, the court must not make an order for the landlord to obtain possession of the dwelling-house as against the statutory tenant on a particular ground mentioned in Schedule 15 or 16 to this Act unless—

(a) the notice states the ground and one or more reasons why the landlord believes that the ground is applicable, or

(b) the court gives permission for the ground to be raised in the proceedings.

(4F) In this section, in relation to a notice of intention to commence possession proceedings—

‘intended date for commencing proceedings’ means the date stated in accordance with subsection (4C)(f);

‘notice period’ means the period that—

(a) begins with the date on which the notice is given, and

(b) ends with the intended date for commencing proceedings.”

Secure tenancies

3 Section 83 of the Housing Act 1985 (proceedings for possession etc. of a dwelling-house let under a secure tenancy: general notice requirements) is to be read, in relation to notices served under that section during the relevant period, as if—

(a) subsection (3) were omitted,

(b) in subsection (4) for the words from the beginning to “specified in the notice,” there were substituted “If the proceedings are for an order for the possession of a dwelling-house,”,

(c) after subsection (4A) there were inserted—

“(4B) The date specified in accordance with subsection (4)—

(a) must not be earlier than three months after the date of service of the notice, and

(b) in a case where the tenancy is a periodic tenancy, must also not be earlier than the date on which the tenancy could, apart from this Part, be brought to an end by notice to quit given by the landlord on the same date as the notice under this section.”,

(d) in subsection (5) for “subsection (3), (4) or (4A)” there were substituted “subsection (4A)”, and

(e) in subsection (6) for “subsections (3) to (5)” there were substituted “subsections (4B)(b) and (5)”.

4 Section 83ZA of the Housing Act 1985 (notice requirements in relation to proceedings for possession on absolute ground for anti-social behaviour) is to be read, in relation to notices served under that section during the relevant period, as if—

(a) for subsection (10) there were substituted—

"(10) The date specified in accordance with subsection (9)(a)—

(a) must not be earlier than three months after the date of the service of the notice, and

(b) in a case where the tenancy is a periodic tenancy, must also not be earlier than the date on which the tenancy could, apart from this Part, be brought to an end by notice to quit given by the landlord on the same day as the notice under this section.", and

(b) in subsection (11) for "subsection (10)(a)" there were substituted "subsection (10)(b)".

Flexible tenancies

5 Section 107D of the Housing Act 1985 (recovery of possession on expiry of flexible tenancy) is to be read, in relation to notices given under subsection (4) of that section during the relevant period, as if for "two months' notice" in that subsection there were substituted "three months' notice".

Assured tenancies

6 Section 8 of the Housing Act 1988 (notice of proceedings for possession: assured tenancies) is to be read, in relation to notices served under that section during the relevant period, as if—

(a) in subsection (3A)— (i) in paragraph (a), for "periodic tenancy," there were substituted "periodic tenancy— (i) three months after the date on which the notice was served, and (ii) ", and (ii) in paragraph (b) for "one month" there were substituted "three months",

(b) in subsection (4) after "earlier than" there were inserted "three months after",

(c) in subsection (4A)(a) for "two months" there were substituted "three months", and

(d) in subsection (4B) for "two weeks" there were substituted "three months".

Assured shorthold tenancies

7 Section 21 of the Housing Act 1988 (recovery of possession on expiry or termination of assured shorthold tenancy) is to be read, in relation to notices given under subsection (1) or (4) of that section during the relevant period, as if—

(a) in subsection (1)(b) for "two months'" there were substituted "three months'",

(b) in subsection (4)(a) for "two months" there were substituted "three months", and

(c) in subsection (4E)(b) for "two months" there were substituted "three months".

Introductory tenancies

8 Section 128 of the Housing Act 1996 (notice of proceedings for possession of a dwelling-house let under an introductory tenancy) is to be read, in relation to notices served under that section during the relevant period, as if—

(a) in subsection (4) the second sentence were omitted, and

(b) after subsection (4) there were inserted—

“(4A) The date specified in accordance with subsection (4)—

(a) must not be earlier than the end of the period of three months beginning with the date on which the notice of proceedings is served, and

(b) must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings.”

Demoted tenancies

9 Section 143E of the Housing Act 1996 (notice of proceedings for possession of a dwelling-house let under a demoted tenancy) is to be read, in relation to notices served under that section during the relevant period, as if for subsection (3) there were substituted—

“(3) The date specified under subsection (2)(c)—

(a) must not be earlier than the end of the period of three months beginning with the date on which the notice of proceedings is served, and

(b) must not be earlier than the date on which the tenancy could (apart from this Chapter) be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings.”

Consequential modifications in relation to prescribed forms

10 (1) Part 1 of the Schedule to the Secure Tenancies (Notices) Regulations 1987 (S.I. 1987/755) (notice of seeking possession) is to be read, in relation to notices served under section 83 of the Housing Act 1985 during the relevant period, as if—

(a) in the first paragraph 5—

(i) the words “Cross out this paragraph if possession is being sought on Ground 2 of Schedule 2 to the Housing Act 1985 (whether or not possession is also sought on another Ground)” were omitted,

(ii) in the first bullet point, for the words from “the date when” to the end there were substituted “three months from the date this Notice is served and also cannot be earlier than the date on which

your tenancy or licence could be brought to an end by notice to quit given by the landlord on the same date as this Notice", and

(iii) in the second bullet point, for "this date" there were substituted "the date in this paragraph", and

(b) the second paragraph 5 were omitted.

(2) Part 2 of the Schedule to the Secure Tenancies (Notices) Regulations 1987 (S.I. 1987/755) (notice of seeking termination of tenancy and recovery of possession) is to be read, in relation to notices served under section 83 of the Housing Act 1985 during the relevant period, as if after paragraph 4 there were inserted—

"5 The Court proceedings for possession will not be begun until after ... (give the date after which Court proceedings can be brought)

—Court proceedings cannot be begun until after this date, which cannot be earlier than three months from the date this Notice is served.

—After this date, Court proceedings may be begun at once or at any time during the following twelve months. Once the twelve months are up this Notice will lapse and a new Notice must be served before possession can be sought."

11 The Schedule to the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997 (S.I. 1997/194) (which applies in relation to Wales) is to be read, in relation to notices served under section 8 of the Housing Act 1988 during the relevant period, as if in Form 3 (notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy), in paragraph 5 (earliest date on which court proceedings can be brought) —

(a) in the first bullet point, for "2 months" there were substituted "3 months",

(b) in the second bullet point—

(i) for "2 weeks" there were substituted "3 months", and

(ii) for "two months" there were substituted "three months", and

(c) in the third bullet point, for the words "before the date this notice is served" there were substituted "earlier than 3 months from the date on which this notice is served".

12 (1) The Schedule to the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (S.I. 2015/620) is to be read, in relation to notices served under section 8 of the Housing Act 1988 during the relevant period, as if in Form 3 (notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy), in the notes to paragraph 5 (notes on the earliest date on which court proceedings can be brought)—

(a) in the first bullet point, for "2 months" there were substituted "3 months",

(b) in the second bullet point—

(i) for “2 weeks” there were substituted “3 months”, and

(ii) for “two months” there were substituted “three months”,

(c) in the third bullet point, for “1 month” there were substituted “3 months”, and

(d) in the fourth bullet point, for the words “before the date this notice is served” there were substituted “earlier than 3 months from the date on which this notice is served”.

(2) The Schedule to the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (S.I. 2015/620) is to be read, in relation to notices given under section 21(1) or (4) of the Housing Act 1988 during the relevant period, as if in Form 6A (notice seeking possession of a property let on an assured shorthold tenancy)—

(a) in the section headed “What to do if this notice is served on you”, in the second paragraph—

(i) for “two months’” there were substituted “three months’”, and

(ii) the words “if you pay rent quarterly, you must be given at least three months’ notice, or,” were omitted, and

(b) in paragraph 3, for “two months’” there were substituted “three months’”.

Power to alter three month notice periods

13 (1) The relevant national authority may by regulations made by statutory instrument amend this Schedule—

(a) to alter a reference to three months in this Schedule into—

(i) a reference to six months, or

(ii) a reference to any other specified period which is less than six months, or

(b) to alter a reference which has been altered by virtue of paragraph (a) or this paragraph (but not so as to result in the reference being to a specified period of more than six months).

(2) Sub-paragraph (1) applies to references in this Schedule whether or not they are contained in text which is to be treated as if inserted or substituted into another enactment.

Regulations under this Schedule

14 (1) Any power to make regulations under this Schedule—

(a) may be exercised more than once,

(b) may be exercised so as to make different provision for different purposes or different areas, and

(c) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision (including provision modifying enactments or amending this Schedule).

(2) A statutory instrument containing regulations of the Secretary of State under paragraph 1 or 13 is subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A statutory instrument containing regulations of the Welsh Ministers under paragraph 1 or 13 is subject to annulment in pursuance of a resolution of the National Assembly for Wales.—(Penny Mordaunt.)

Brought up, and added to the Bill.

This Schedule contains provision extending, or creating, notice periods in relation to possession proceedings in respect of certain residential tenancies etc

The Deputy Speaker resumed the Chair.

Bill, as amended, reported.

Bill, as amended in the Committee, considered.

Queen’s and Prince of Wales’s consent signified.

Bill read the Third time and passed.

Helen Hayes (Dulwich and West Norwood) (Lab)
On a point of order, Madam Deputy Speaker. I know that many Members across the House welcome the Prime Minister’s statement this evening and the clarity that it provides to our constituents in the perilous situation that we face, but I wonder whether you, Madam Deputy Speaker, have received any indication from the Government that they intend to send a Minister to the House to deliver the statement here, to enable Members to question and scrutinise it.

Madam Deputy Speaker (Dame Eleanor Laing)
The hon. Lady raises a perfectly reasonable point of order. The House will understand why, while we were undertaking the proceedings that we have just concluded, the Prime Minister spoke to the nation in a forum other than this Chamber, but Mr Speaker has made it very clear to the Prime Minister that when announcements are made outside this House, they must be made, as soon as is practicable, within this House to this Chamber, to the duly elected representatives of the people here gathered.