

The Bill was brought from the Commons, endorsed as a money Bill, and read a first time.

Public Bodies Bill [HL]

[Main Bill Page](#)
[Copy of the Bill](#)
[Explanatory Notes](#)

Second Reading

Moved By Lord Taylor of Holbeach

That the Bill be read a second time.

Lord Taylor of Holbeach: My Lords, I beg to move that this Bill be read a second time.

This is an important Bill, as the Speakers List recognises, and this is an important day. I shall use this speech as an opportunity to introduce the Bill and to explain why we are bringing it forward.

The coalition Government, following manifesto commitments of both coalition parties, are committed to the creation of a more transparent and accountable system of government in the United Kingdom. As part of this process, we are committed to making substantial reforms to the public bodies' landscape. These reforms are long overdue. While we recognise the excellent work done by public bodies and their staff, we equally recognise the widely held view that what is often referred to as the quango state can add unnecessary complexity to public life, diluting the proper accountability of Ministers to the electorate.

The quango state has in the past suited both government and politicians. It has never suited the British public, who expect clarity and, as taxpayers, insist, rightly, that Ministers ensure that every pound the Government spend is spent efficiently and effectively. In 2009, £38.4 billion of public money was spent by public bodies; it is our duty to ensure that this expenditure is properly focused and that all public bodies are fit for purpose.

To guide this vital reform process, the Government have conducted a review of 901 public bodies, making a coherent, cross-government assessment of whether their functions were still required, and where and how these functions could best be exercised. Technical functions and those requiring independence or the provision of impartial advice would continue to be delivered by a public body. That remains the yardstick for these reforms and will continue to be the means by which the Government assess their commitment to public bodies-technical functions, the need for independence and the provision of impartial advice.

As a result of the review process, my right honourable friend the Minister for the Cabinet Office announced in another place on 14 October that the Government proposed to abolish, merge, or substantially reform 481 bodies. The Public Bodies Bill is a crucial element of the delivery of this programme. It would create a transparent legislative framework that will allow many of these reforms to be implemented. In addition, it would clarify in statute those bodies which the Government intend should be subject to future review processes, and would create a power to enable subsequent changes. In summary, the Bill would enable the Government to deliver what the public rightly expect: a public body's landscape which is accountable, effective, and efficient. I hope that these are principles on which noble Lords on all sides can agree.

The numbers speak for themselves. The speakers list shows why this Bill was not a Lords starter by chance. The expertise this House contains will be borne out by our debate today and by subsequent days in Committee. The Government are keen to take advantage of this expertise to scrutinise this Bill with thoroughness.

This is why we cannot support the amendment in the name of the noble Lord, Lord Hunt of Kings Heath. This Bill is not overly complex or technical and does not seek to radically overhaul our constitution, in contrast to the last Bill to be subject to such an amendment in this House-only the second instance of such a procedure since 1917. On the contrary, a Committee of the whole House is precisely the venue for detailed consideration of this Bill. Many noble Lords have an interest from a variety of perspectives; we will hear many of these perspectives today. I do not see what a referral to a Select Committee would add to that process, beyond an inevitable delay to the passage of the Bill and a consequent delay to a series of reforms which, in many cases, are uncontroversial and enjoy wide cross-party and public support.

I turn to the Bill itself. It would confer on Ministers a set of order-making powers to make changes to public bodies and offices via statutory instrument, providing a coherent and efficient procedure for change across government. All the main powers in the Bill would be subject to the affirmative procedure, ensuring that Parliament is able to scrutinise the detail of all changes as they are brought forward.

I emphasise to the House that the powers in Clauses 1 to 6 are limited in their application to the bodies listed in the corresponding schedules. Similarly, Schedule 7 limits the bodies to which the powers in the Bill might apply in the future. The Government wish Parliament to have clarity about the types of change that the Bill can enable, and these mechanisms secure that clarity. It would not be possible, for example, to use the Bill to effect changes to a body not listed in Schedules 1 to 6. While it is possible to move a body from Schedule 7 to a different schedule to enable such a change, this move would itself require a distinct statutory instrument.

The final principal power is to authorise delegation. The Government envisage that this power would be used to give bodies the flexibility to improve efficiency by delivering some functions through a third party-for example, empowering citizens by delegating some functions to local groups.

These powers provide a targeted framework for the reform of public bodies in the UK, centred on principles of accountability, efficiency and effectiveness.

Lord Foulkes of Cumnock: My Lords, will the Minister clarify the position in relation to United Kingdom bodies like the Forestry Commission or the Security Industry Authority should the Scottish Government disagree with the United Kingdom Government? How would the matter be resolved?

Lord Taylor of Holbeach: There has been a dialogue with the devolved authorities throughout the course of the Bill. This is a continuing process. There is a separate chapter on the Forestry Commission; I will speak to that shortly. It is a matter of debate. There is no division of view between the United Kingdom and the devolved authorities on this at this stage.

Lord Foulkes of Cumnock: It is my understanding that the Scottish Government are of a different view from the United Kingdom Government in relation to both the Security Industry Authority and the Forestry Commission, so this is not a theoretical problem. I am asking the Minister not what discussions have taken place but, when there is a dispute, how it is to be resolved. It is not clear from the Bill how any resolution can take place.

Lord Taylor of Holbeach: The Bill has proceeded on consensus. I do not imagine that it will deviate from that course in the future.

To continue, the remainder of the Bill provides for several supplementary and associated functions. Clauses 13 to 16 would give Welsh Ministers specific powers to reform environmental bodies in Wales. These powers have been requested by the Welsh Assembly Government to enable changes following their current review of environmental regulation.

Clauses 17 to 19 concern forestry. The Government are exploring a new approach to the ownership and management of woodlands and forests, with a reduced role for the state and a bigger role for individuals, businesses, civil society organisations and local authorities. I assure the House that this Government will not compromise the protection of our most valuable and biodiverse forests, including our historic woodland. Measures will remain to preserve and enhance the vital public benefits that our forests provide. The Government will consult widely on their future plans and invite views from a wide variety of stakeholders.

Clauses 20 to 22 place specific restrictions on the use of the powers in the Bill. These clauses complement the additional protection in Clause 8, which prevents a Minister making an order that he or she considers will infringe an individual's rights. Clauses 23 to 25 confer powers to create transfer schemes and provision about taxation in relation to the powers in the Bill. Finally, Clause 26 amends the Superannuation Act 1972, clarifying rights of participation in the Civil Service pension scheme for employees of some public bodies.

I know that Members of this House will wish to scrutinise the Bill thoroughly, with regard both to its structure and its implications for specific bodies. I recognise that there are understandable concerns among staff who work for bodies where reform is proposed. I assure the House that the Government are committed to doing all we can to make changes in a manner that is fair and consistent. I also reassure the House that the fact that a body is named in Schedule 7 to the Bill should not be misconstrued as constituting intent to abolish or otherwise reform. It simply indicates that the body concerned was within the scope of this year's review and may be within the scope of future review programmes reported to Parliament.

Baroness Royall of Blaisdon: My Lords, I thank the Minister for his detailed exposition of the Bill and for the constructive discussions that we have already had on it, which I know will continue in the future. I do not doubt his sincerity one bit. I thank him, too, for the concessions that he has indicated, although I do not believe that they are sufficient for the Bill.

I share the concerns of many Members across the House about particular organisations, but my own concerns relate specifically to Clauses 17, 18 and 19, on the powers in relation to forestry. I grew up in the Royal Forest of Dean, an area of great beauty, history and heritage. I live there still. Foresters are immensely proud of their ancient rights and traditions, but also of the environment and the flora and fauna and of our contribution to being part of the solution to the problem of climate change. The forest is protected and well managed, but it is also a place where people have free access to walk, picnic, ride or swim in the ponds.

Clause 17(2) enables the Secretary of State by order to amend the Forestry Act 1967 to modify the purposes, objective or conditions by which the Forestry Commission disposes of land, manages and uses it or lets or grants rights or interests over it. The Secretary of State may exercise such a function for "any purpose or unconditionally". Those are chilling words. This appears to allow the Secretary of State to order the disposal of any Forestry Commission land in England, or its use for some other purpose. It is hard to conceive why Ministers want such draconian powers, unless it is the Government's intention to dispose of much or all of the Forestry Commission's land. I have no idea why the Government would wish to do that. Perhaps the Minister could tell us.

Ministers may speak about the big society, as they do on the Defra website. I am in favour of the good society, but I do not want my forest, or other woodlands and forests that are well managed and cared for by the Forestry Commission, at a cost to the Exchequer of a mere £10 million last year, to be sold off. Mrs Thatcher's Government, in accepting amendments to the Forestry Bill of 1981, recognised that, "the Forest of Dean is unique and that its land should not be sold except ... surplus cottages, small areas of the Waste in the forest and the like will be sold as in the past, but there will be no power to sell significant areas of forest land" .-[*Official Report*, Commons, 8/7/81; col. 502.]

I will do everything in my power to ensure that this situation continues. Friends of my local MP, who as a government Minister clearly supports the Bill, criticised my support for the Forest of Dean, as I am against a corporate buyout of the forest. The forests of this country are and must continue to be a national asset, where trees are managed, where biodiversity is protected and where public rights of access continue in perpetuity. If they are sold off with the weak voluntary safeguards mentioned in the Bill, how can the quality of access, management of the land, biodiversity and habitat be guaranteed for future generations?

The second point concerns how the Government propose to do what they seek to do. Through the Bill, they propose a fundamental shift in who controls these bodies. It will not be Parliament; it will be Ministers. The whole scheme-and a skeleton scheme at that-is built on the Government's supposition that it is better to have a process where Ministers make the decision about the life or death of an arm's-length body and fast-track the parliamentary process. As the Select Committee points out, the issues raised by this approach transcend politics and go to the heart of Parliament's role in scrutinising legislation and deciding whether fundamental government proposals in respect of these bodies should be enacted into law.

The architecture of the Bill includes a series of Henry VIII clauses, which enable primary legislation to be amended by simple affirmative order. Henry VIII clauses are devices that Governments need to deploy with care. Some people see them as rare and unusual beasts that strike at the heart of parliamentary supremacy. The Constitution Committee clearly states: "Departures from constitutional principle"- such as the Henry VIII clauses- "should be contemplated only where a full and clear explanation and justification is provided".

I am sure that the House would benefit from a full explanation from the Minister of why this is the case and, for each body listed, why it is appropriate for Parliament to cede this responsibility.

Therefore, as my noble friend Lord Hunt of Kings Heath will detail, we are entirely content to accept the amendment proposed by the noble Lord, Lord MacLennan of Rogart, in the bipartisan spirit in which it is offered. We believe that, just as with the Constitutional Reform Bill, which was with the Select Committee for about the same length of time, three months is ample for the Select Committee of your Lordships' House to consider and propose improvements to the Bill before it comes to the House for a Committee stage. I look forward to the debate that we are about to have-

Lord Deben: My Lords, perhaps I may, on the second occasion on which I have addressed your Lordships' House, start with a compliment on the procedures of this House compared with those of the House in which I sat for 35 years. I very much approve of the way in which this House deals with legislation and enables all its Members to play a proper part. That is why, when I listened to the noble Baroness, Lady Royall, introducing this matter, I had a wry smile, because at no time in the history of Parliament has there been such curtailment of speech, of discussion or of argument, than in the past 11 years in the other place. Very few Bills were ever discussed in their fullness and very few clauses were ever fully covered.

The noble Baroness, Lady Royall, referred to the Forestry Commission. I was a Minister responsible for the Forestry Commission, which was the most difficult organisation I have ever dealt with in trying to move it in the right direction. I was desperate to make it more concerned with the environment but it has moved terribly slowly over many years. I object to those who say that within a proper legislative package private people cannot be just as good as nationalised bodies in looking after the environment. Indeed, the best examples of environmental protection come from private people.

On the Forestry Commission, I believe that much of the best conservation in this country is done by private people over private land which they care about because they want it to continue to exist and improve. Why can the noble Baroness not conceive of parts of the Forestry Commission being better run by different people instead of it all being run by the same people?

Baroness Scotland of Asthal: This Bill is not a good Bill, although, as a number of noble Lords have said, there are many things about the substance with which we will all agree such as the need to change, the need to update and the need to ensure independence and probity. However, the process has caused a lot of concern. Indeed, there are those who would argue strongly that we should, at this stage, oppose the Bill going any further. I disagree with that view. I think it is important that we should debate this Bill, but at the end of today the Select Committee might be the better course.

Lord Kennedy of Southwark: My Lords, I thank the noble Lord, Lord Taylor of Holbeach, for the introduction of this Bill. I also declare to the House that I am a member of a public body. I am a member of the Electoral Commission but that particular body does not feature anywhere in this Bill.

I must add that I am not very happy about the Bill. Noble Lords will be aware that I am a relatively new Member of this House. However, that does stop me having considerable concerns as to how the Bill is constructed; how it seeks to make major changes to bodies or abolish bodies that were set up following detailed individual pieces of legislation passed by Parliament and avoid the rigours of parliamentary scrutiny in doing so; and how it proposes to hand considerable power to Ministers to abolish or make wide-ranging changes to bodies through the statutory instruments process.

This is not good government. This is the Conservative Government seeking to force through a skeleton Bill that gives Ministers wide-ranging powers: powers to abolish; powers to merge; powers to modify constitutional arrangements; powers to modify funding arrangements; powers to modify or transfer functions and powers to delegate.

That is not good Government. That is rushed Government. That is ill-thought out Government. That is Government without the confidence to come to the Floor of this House and argue the case properly. What is so depressing is that this is just the sort of Bill that cries out for pre-legislative scrutiny. I will be interested in hearing the Minister's response as to why that has not happened. It certainly cannot be because of pressure of time in this House. There has been a marked lack of legislation in this House since the General Election. I have no problem with the Government saying we need to look at public bodies. We need to ensure we are getting value for money. We need to make sure what they are doing is necessary. We need change their arrangements, refocus them or if the function is not longer required, abolish them. What is wrong here is the way it is being done.

Lord Knight of Weymouth: My Lords, like my noble friend Lady Royall, I think that this is a bad Bill. We could describe it as the Donald Rumsfeld Bill, as it deals with known known's, known unknowns and, in Schedule 7, unknown unknowns. This was best put in the RSPB's excellent briefing, which states:

"In summary, the Public Bodies Bill is an enabling Bill framed along the lines of, 'We're going to change lots of things, some of which we know now, some of which we will work out soon and some of which we can't tell you anything about because we haven't thought of them at all yet, but please give us the power to do all of this'".

Suffice to say that the RSPB-a big society with more members than all the political parties in this country put together-is very unhappy with the Bill. It is worried about the environmental consequences of the disposal of public land, it worries that environmental considerations will be secondary when these powers are used, and it is very concerned about the consequences for biodiversity of the measures against the Forestry Commission. It is among many organisations that have contacted noble Lords, urging opposition to the Bill.

Like so many noble Lords, I disagree with the Minister's assertion that this brings in a transparent legislative framework. Rather, this skeleton Bill is an insult to parliamentary scrutiny-and I am afraid that the insult is doubled by Ministers claiming to act in the name of increasing accountability. It also feels so unnecessary. As has been said, few people disagree with rationalising the number and scope of arm's-length bodies. The first Bill that I took through Parliament as a Minister became the Natural Environment and Rural Communities Act, which among other things culled a large number of arm's-length bodies-the agricultural levy boards-and also merged English Nature, the Rural Development Service and the Countryside Agency into Natural England and the Commission for Rural Communities. Section 8 of that Act also includes powers to transfer functions and powers between any of the arm's-length bodies, including the Forestry Commission, within the Defra family-but with consent.

Lord Clark of Windermere: My Lords, the noble Lord, Lord Marlesford, has quite rightly reminded us that the proposal to cull quangos was in the manifestos of both coalition partners. Therefore, I accept the purpose of the Bill. However, like so many other noble Lords who have spoken today, I am concerned about the means by which the Government propose to do this. I accept immediately that this is not an easy solution but, on the other hand, I do not apologise for reiterating how damning and how devastating the report of the Constitution Committee is. We all know that one can find reasons and explanations for actions like introducing a Henry VIII clause. That may seem good at the time but a principle is involved, and that principle is almost sacrosanct.

I find it ironic that when the Minister in charge of the Bill in the other House, Mr Francis Maude, introduced it, and justified the need for the Bill, he argued that it was needed to increase political accountability and more accountability to the legislatures. I think we would all go along with that. However, it is ironic that the means by which it proposes to do this is probably one of the most antidemocratic moves that there has been in either House in recent years. The Constitution Committee said that," the ordinary constitutional position in the United Kingdom is that primary legislation is amended or repealed only by Parliament".

It went on to say:" Departures from constitutional principle should be contemplated only where a full and clear explanation and justification is provided". In no way will that happen in this case.

It might be worth reminding the outside world what is being proposed. I accept that this is not just the whim of the Minister. Orders will be laid before both Houses of Parliament but they will be only an hour-and-a-half duration and there will be no means of amending them. We all know that, but I am not sure the wider world knows that. I am not sure that is democratic, when originally hours and days may have been spent in both Houses coming to the decision. That is why there is so much concern in this House, although we appreciate the good will and intent of the Minister-I appreciate that straightaway.

I want to turn my attention to something which I know a little about. That concerns Clauses 17 and 18 which relate to the Forestry Commission. Until just under a year ago I chaired that body for eight years and I thoroughly enjoyed doing so. I am a great supporter of the Forestry Commission. If I felt that the forests and woodlands in this country could be maintained to the same standard as they are maintained at the moment by a different form of ownership, I would look at it. I feel that challenge is not met in this Bill. However, I think that the Forestry Commission is different from 99 per cent of the other arm's-length bodies in that it is a government department. It is a non-ministerial government department and every single employee of the Forestry Commission is a civil servant, which goes directly against the definition by the Cabinet Office of the non-departmental public

bodies, quangos. I am a little confused about why there are two clauses specifically concerning the Forestry Commission. That jars a little. Only the Forestry Commission has so much of the Bill devoted to it.

As I say, all the employees of the Forestry Commission are civil servants, which mean that the Forestry Commission is at a disadvantage compared with 99 per cent of the other bodies in that it is neutral and it cannot discuss anything with Members of Parliament or Members of this House. Would the Minister consider looking at the possibility of allowing the Forestry Commission's senior officials to provide factual information to Members of this House and Members of another place? If we are to make considered judgments on this matter on the two clauses specific to the Forestry Commission, it might be helpful to get factual information-not opinion-from the Forestry Commission's senior civil servants. I hope that the Minister will look into that and be able to give us an assurance in due course.

One of the difficulties we are wrestling with-it may be why the two clauses are there in the Bill-is the rather complicated structure of the Forestry Commission, which was created as a GB body in 1919. In 1998, in essence, forestry was, apart from plant health and research, devolved to the Government of Scotland, to the Welsh Assembly and retained here at Westminster. But the three Governments then decided that if forestry were to be effective in those countries, it would benefit from having a critical mass. Having been devolved by Westminster, the two Parliaments and one Assembly came together on that matter. One of my first jobs in 2001 was to try to devise a system so that we could run the Forestry Commission and, given devolution, attempt to give power to the nations but at the same time retain that critical mass. We managed to establish national committees with forestry commissioners chairing them and sitting on them and the system has worked very well.

That concerns me, because Clause 18 talks about the powers of the commissioners and the Minister having the authority to change the power of the commissioners. Will that be only English commissioners, or will he have the authority-is it the Government's intent-to change the powers of the Scottish and Welsh commissioners? If we are trying to retain a GB body, it would concern me if different commissioners had different powers.

I have another couple of questions that I would like to ask the Minister. The Wildlife and Countryside Act 1985 specifically requires the Forestry Commission to balance its economic powers-to produce timber, et cetera-with environmental concerns. Am I right in thinking that the Minister could make an order under Clause 17 or 18 which would remove that ministerial, or governmental, requirement to have a balance? Following on from that, the Forestry Commission has granted access on foot under the Countryside and Rights of Way Act on almost all its freehold land. Is that now at risk? I know that the Minister has said that there will be no threat to the access agreement currently in force, but will the Government give us an absolute assurance that the CROW Act provisions giving access on foot in perpetuity will be carried out, despite the fact that it may mean that they will not get quite as much money for the sale of any land? Also, the Forestry Commission has a very generous interpretation of access for bicycles and horses. Can the Minister give us any assurance on that issue?

There are many other issues to which one could allude-the Crichel Down principle when it comes to selling off or the attraction to rich people of no inheritance tax on forest land. I end with this point. The net cost of the Forestry Commission estate was £10 million-30 pence per person in this country. I do not think that we could get that value for money from any other organisation.

Lord Judd: My Lords, if there were no other reason for the Government to think again, the observations of the Select Committee on the Constitution and the observation of the noble and learned Lord, Lord Woolf, in our deliberations today are reason enough. Henry VIII clauses do not make good democracy and the independence of the judiciary is the cornerstone of our system of law and justice.

I tremble at the danger that years of experience and dedicated service that have provided profoundly significant contributions to the quality of our society, ranging from our system of law to our heritage and environment, will be all too rapidly trashed and thrown away as centralised bureaucracy or crude profit making take over. The Forestry Commission provides an outstanding example of such service. At this point, I unreservedly pay a warm tribute to my noble friend Lord Clark of Windermere for the outstanding contribution that he made as chairman of the Forestry Commission. Those of us who know him as a friend in the county of Cumbria appreciate that few people understand the countryside better than he does.

The Forestry Commission has learnt from 90 years of experience and has become a model example, with highly motivated staff at all levels. The commission is dedicated to the nation's needs-not least to combating climate change-to biodiversity and to the quality of our scenic heritage as well as to the spiritual uplift and public enjoyment that forests can provide for the nation. The commission's imaginative work on public accessibility to woodland and to adventurous experiences has been outstanding. Why put a question mark over all that? Have the Government looked at what has happened in New Zealand, Papua New Guinea, Indonesia, Nepal or indeed-closer to home-Sweden?

Lord Morris of Aberavon: My Lords, Parliament has always been rightly jealous of granting Henry VIII's powers to Ministers and, where sought, it has ensured that there are safeguards. The Legislative and Regulatory Reform Bill was considerably amended in 2006 to ensure such safeguards and I support the suggestion, made time after time that the Government should seriously consider the super-affirmative resolution procedure and the consultative proceedings therein enshrined.

There are a number of clauses referring to the National Assembly for Wales. In the absence of a proper briefing, the idea of enabling legislation bringing together the functions of the Countryside Commission, the Environment Agency and Forestry Commission Wales appears very appealing, since agriculture is already a devolved matter. My specific question for the Minister is: am I right in presuming that these proposals are at the request of the Welsh Assembly? In a recent comment in the Assembly on 12 October, the First Minister stated that he was not consulted on some of the proposals in the Bill affecting Wales. Was he consulted on the section dealing with the powers of Welsh Ministers? These are important matters for the Assembly. In the time available, all I need say about the powerful speech by my noble friend Lord Elystan-Morgan is that I support every word that he has said.

These examples of the lack of consultation and the hurry in the preparation of the Bill may well be significant and may apply more generally for many more organisations that are affected by the Bill. I therefore support my noble friend's amendment.

Lord Greaves: My Lords, in the 10 years that I have been a Member of this House I have been used to seeing Bills, some of them good, some of them bad and quite a few of them what I call curate's egg Bills. I wish that this was a curate's egg Bill. It seems to me to be at the very end of the spectrum, and it is not the good end.

I substantially agree with the comments about forestry made by the noble Lord, Lord Clark of Windermere. It is very odd that there is a separate section in the Bill just about forestry. It is not clear why that is there. When one reads it, it is also not clear what it means in terms of outcomes. No one who has been trying to find out what it means seems to know either. As regards forestry and Henry VIII, Henry VIII was pretty good at setting up royal hunting forests. It would be sad if Henry VIII powers were used now to do away with some of the national forests.

Lord Hunt of Kings Heath: My Lords, it has been a long, impressive and important debate. It is important because the Bill will impact on many facets of public life in the United Kingdom and because it provides an early test of the House's ability to scrutinise legislation effectively in this Parliament.

In his opening remarks, the noble Lord, Lord Taylor, who we all admire, referred to the need for efficiency. I agree. Indeed, in the Queen's Speech we were promised huge savings from this policy. An announcement was made from Downing Street at the time of the Queen's Speech which suggested that £1 billion would be saved. However, since then the Government have become rather coy about that. Indeed, there is more than a whiff of suspicion that the costs may be greater than the savings. I ask the Minister: what savings do the Government envisage over the next spending review period?

It was important enough to establish such bodies in primary legislation to start with. As the Constitution Committee report says: "The Government has not made out the case as to why the vast range and number of statutory bodies affected by this Bill should be abolished, merged or modified by force only of ministerial order, rather than by ordinary legislative amendment and debate in Parliament".

At the general election, the Conservative Party manifesto promised to restore the balance between government and Parliament. The Liberal Democrat manifesto promised to strengthen Parliament to increase accountability. If I as a member of the previous Government had brought forward this Bill, it would rightfully have been torn to shreds by this House. If as a Minister I had had to listen to the devastating speech of the noble and learned Lord, Lord Woolf, I would have known that the game was up.

As my noble friend Lady Andrews said, this is a real test of this House's ability to scrutinise legislation effectively. I hope that we will meet that test by agreeing to the establishment of a Select Committee.

Lord Taylor of Holbeach: My Lords, this has been a good debate on a very serious subject in which people have expressed themselves seriously and with passion. If I have been on the receiving end of much of that, I should tell noble Lords that I am actually encouraged by this debate. As my noble friend Lord Kirkwood pointed out, there has been some agreement about the objectives of the Bill, even if there has been some criticism of the mechanism that the Government have chosen to implement it.

The noble Baroness, Lady Royall of Blaisdon, and the noble Lord, Lord Clark of Windermere, expressed their concern regarding the provisions relating to forestry. I hope that they will permit me to respond to some of their detailed questions in writing. However, I offer my reassurances that there are numerous safeguards already in place to protect England's trees, forests and woodlands irrespective of who manages them. The noble Baroness can rest assured that, as someone who was a fan of Dennis Potter, I share an awareness of the uniqueness of the Forest of Dean. I also hope that it helps noble Lords that I have several volumes by Oliver Rackham, our leading historian of woodlands and forests. The Government will bring forward proposals in the new year to invite interests from a wide range of potential private and civil society partners on a number of new ownership options and the means to secure public benefits.

I do not believe that the Bill should be committed to a Select Committee. As I stated in opening this debate, it is right and appropriate that our deliberations should continue in a Committee of the whole House, which has today demonstrated its capacity to give this Bill full and considered scrutiny. The time between now and then can be used productively to address remaining concerns relating to the structure of the Bill.

It would enable me to bring at an early date to the whole House sitting in Committee those amendments that we believe this debate has asked of us. It is for this reason that I hope noble Lords are persuaded not to commit the Bill to a Select Committee.

It is absolutely right that the House should scrutinise this Bill, and do so with its customary rigour. It is not right that the House should seek unnecessarily to delay a reform programme that is a coalition commitment, that reflects manifesto commitments and that the public rightly expect to be delivered without delay. I commend the Bill.

Bill read a second time.

Motion

Moved by Lord Taylor of Holbeach

That the Bill be committed to a Committee of the Whole House.

Division on Lord Hunt of Kings Heath's amendment to the Motion.

Contents 151; Not-Contents 188.

Amendment to the Motion disagreed.

Motion agreed and Bill committed to a Committee of the Whole House.