

SESSION TWELVE OF THE ALL PARTY PARLIAMENTARY GROUP

Pandemic Response and Recover

Monday 20 February 2023, 5.30pm, Room T

MINUTES

In Attendance: Rt Hon Esther McVey MP (Chair), Rt Hon Sammy Wilson MP, Chris Green MP, Danny Kruger MP, Baroness Foster of Oxtou, Earl of Leicester, Lord Frost, Lord Robathan, Viscount Camrose, Lord Roborough, Baroness Morrissey.

Apologies: Graham Stringer MP, Sir Graham Brady MP, Miriam Cates MP, Henry Smith MP, Greg Smith MP, Philip Davies MP, Dawn Butler MP, Ian Paisley MP, Paul Girvan MP, Lord Moylan, Lord Strathcarron, Lord Ashcombe, Baroness Noakes, Baroness Fox of Buckley, Lord Wrottesley.

1. The Chair welcomed the APPG members to the meeting to discuss the use of the Public Health Act (PHA) 1984 during the pandemic.

2. The Chair introduced the speaker, Lord Jonathan Sumption, a British judge and historian who served as a Justice of the Supreme Court from 2012 to 2018 and is the author of several books:

Lord Sumption began outlining the background, that the Ministers exercising executive judgements must be responsible to parliament, against which he considered two things went wrong between 2020 and 2022: the scheme of the PHA parliamentary scrutiny was too easy to negate and was negated; and Ministers persistently failed to weigh up any health benefits of lockdowns against the collateral costs, which proved to be catastrophic.

Lord Sumption made several related observations: that there was also a total lack of official opposition; only later backbench opposition moderated behaviour of a government that tended to shelter behind its scientific advisers, refusing to take account of the many non-clinical factors the scientists involved weren't in a position to advise on; and the widely agreed Pandemic Plan of 2011 which was discarded without any apparent justification.

In addressing what can be done, Lord Sumption noted that in addition to the PHA, the Civil Contingencies Act (CCA), tailor made for just such emergencies, health or otherwise, and comes with a degree of the necessary legislative supervision, was overlooked in favour of the PHA and its loopholes. So the use of the PHA should be amended in two specific areas: that the power to control the movements or contacts of people who are not known to be infectious or believed on reasonable grounds to be infectious, should be subject to the same provisions for parliamentary supervision that would apply under the CCA; second that these powers should be exercisable only on certain conditions, such as publishing the scientific advice and impact assessments that address the social, economic, educational benefits or

harms and time limits on when such matters are required to come back before the House of Commons for scrutiny and debate.

3. The Chair opened the meeting up to Members' questions and discussion. The Covid Inquiry was discussed and whether it would examine reform to the PHA and Members voiced concerns about whether the Inquiry would deal with significant issues of that nature. Discussion also focussed on how to overcome the challenges that would be inherent in trying to bring about reforms of the PHA. The belief in asymptomatic infection was one such challenge that was identified, though that was countered by the fact that the categories of the population that were liable to serious disease or death were well defined. Persuading governments to surrender power was cited as another challenge.

Other discussion points included the lack of public debate and the pressure put on professional bodies to over interpret the regulations, the excessive, and at times overzealous, behaviour of the police, prior to the issuing of College of Policing guidelines, and Ministers muddying the waters between what was guidance and regulations.

4. The Chair thanked all the Members who attended and Lord Sumption. The date of the next meeting was confirmed as 5.30pm, Monday 20 March 2023. The meeting was then brought to a close.